



Working Ahead: A Guide for Connecting Youth Offenders with Employment Opportunities



U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
PACIFIC - WESTERN REGION

JULY 2004

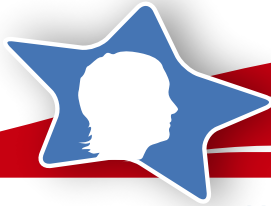


Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

EMPLOYERS RIGHTS' TO INFORMATION

ALASKA

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

Yes. Home health aides must not have been convicted of abuse, neglect or mistreatment of another individual or misappropriation of property of a patient under the individual's care. Alaska Admin. Code tit. 7, § 12.541. There is no mechanism to lift this bar.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Pardons. Alaska Const. art. 3, § 21. A pardon has the effect of "setting aside" the conviction. Although the record of the "set aside" conviction remains on an individual's rap sheet, s/he is considered not to have been previously convicted. Therefore, a pardon's effect upon occupational licensing will vary. For example, if it is required that the applicant has not been convicted of a felony, the pardon will lift this bar. However, if the occupational licensing authority requires "good moral character," a pardon will not necessary lift the occupational bar because a pardon does not prevent the licensing board from considering the facts underlying the conviction. Executive Clemency in Alaska, available at <http://www.correct.state.ak.us/corrections/Parole/clembk/clembk.htm> (Aug. 10, 2002).

ARIZONA

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Applicants for public employment or occupational licensure who have had their civil rights restored may not be denied employment or occupational licensure solely because of a

misdemeanor or felony conviction. Public employers may deny employment on the basis of a conviction and agencies may deny licenses to persons whose civil rights have been restored only if a “reasonable relationship” exists between the conviction and employment or license sought. Ariz. Rev. Stat. § 13-904(E).

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

There are no standards for private employers.

Does the State restrict people with criminal records from employment in the field of home health care?

Yes, applicants for home health care employment must be barred if convicted of or awaiting trial on certain violent, sexual, or drug-related offenses and may also be excluded (although good cause exceptions may be requested) for assault and drug-related offenses within the past five years, arson, domestic violence, and specific theft-related offenses. Ariz. Rev. Stat. § 36-411.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Only Restoration of Civil Rights, which is available to individuals convicted of two or more felonies upon completion of probation or discharge from prison. The date of the order and the fact that the individual's civil rights have been restored will appear on the individual's record. Ariz. Rev. Stat. §§ 13-905 and 13-906. The civil rights of first-time felony offenders are restored automatically upon completion of criminal sentence. Ariz. Rev. Stat. § 13-912. Once an individual's civil rights have been restored, public employment or occupational licensure may be denied on the basis of a conviction only if a “reasonable relationship” exists between the conviction and employment or license sought. Ariz. Rev. Stat. § 13-904(E).

CALIFORNIA

Can employers ask job applicants about arrests not leading to conviction?

No, with the two exceptions of law enforcement authorities and health care facilities (re: certain crimes), employers may not ask about arrests that did not lead to conviction or for which a pre-trial diversion program was successfully completed. Cal. Code Regs. tit. 2 § 7287.4(d)(1)(A), (B); Cal. Labor § 432.7(f)(1), (2); and Cal. Penal § 13203.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

Yes. Applicants are barred from home health care employment for certain violent, sexual, and theft-related convictions (or similar convictions in other States) for an unspecified period of time, so the bar operates as a lifetime bar. Individuals with felony convictions can lift the bar with a certificate and expungement. The bar for misdemeanor convictions may be removed by expungement alone. The State Department of Health Services may also make an independent determination of eligibility in spite of the criminal record. If an individual has a conviction “substantially related” to employment as a home health aide, it is within the State's discretion to determine that an individual is not sufficiently rehabilitated. In the interest of public safety, alcohol- and drug-related convictions may also operate as lifetime bar to employment as a home health care aide. The department makes individual determinations considering



factors such as rehabilitation and the nature and seriousness of the offense before barring an individual for a substantially related or alcohol-or drug-related conviction. Cal. Health & Safety § 1736.5(a),(b), and (c).

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Yes, a Certificate of Rehabilitation that declares that an individual convicted of a felony is rehabilitated and may relieve an individual of registering as a sex offender. However, civil liberties are generally only restored by both a certificate and a pardon. In addition, while a certificate alone generally cannot remove occupational bars, it is a prerequisite to obtaining a pardon, which may relieve such a bar. Cal. Penal §§ 4852.01(a)-(d) and 4852.17. See also http://www.bpt.ca.gov/pardon_txt.html.

HAWAII

Can employers ask job applicants about arrests not leading to conviction?

No statutory provision regarding arrest inquiries, but individuals having expungement certificate may deny arrest record in employment context. Haw. Rev. Stat. § 831-3.2(e).

Can employers consider arrests not leading to conviction?

No. Private and public employers are prohibited from discriminating in hiring, terminating and the terms and conditions of employment based on an arrest or court record. Haw. Rev. Stat. § 378-2(1)(A).

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Yes. Public employers are only permitted to inquire about rationally-related criminal convictions occurring within the past ten years after a conditional offer of employment has been made. Haw. Rev. Stat. § 378-2.5. Public entities are prohibited from using certain criminal records when making employment and licensure decisions including: arrests not leading to conviction; annulled or expunged convictions (although Hawaii no longer permits expungement of convictions); convictions for offenses for which no jail time may be imposed; and misdemeanor convictions that are over twenty years old with no subsequent arrest or conviction. These protections do not apply to employment at youth or adult correctional facilities, detention or shelter facility, or licensed social service facilities. Haw. Rev. Stat. § 831-3.1.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

Yes. Private employers are only permitted to inquire about rationally-related criminal convictions occurring within the past ten years after a conditional offer of employment has been made. Haw. Rev. Stat. § 378-2.5.

Does the State restrict people with criminal records from employment in the field of home health care?

No.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Restoration of civil rights and pardons. Haw. Const. art. 5, § 5. Civil rights are restored automatically upon completion of the sentence. Haw. Rev. Stat. § 831-5. The Governor grants pardons upon the recommendation of the Hawaii State Paroling Authority. Approximately 25 pardons are granted per year, which constitutes a substantial percentage of the total applications received. A pardon will state that the individual has been rehabilitated but will not automatically lift occupational bars.



IDAHO

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

No.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Only pardons. Idaho Code § 20-240. A pardon does not automatically lift occupational bars.

NEVADA

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

Within 10 days of hiring, an applicant for home health care employment must submit written statements and oral and written confirmations regarding whether s/he has ever been convicted of a crime, as well as two sets of fingerprints for a criminal background check. Nev. Rev. Stat. § 449.179. Applicants will be barred by convictions that occurred at anytime for offenses involving abuse and neglect and certain violent and sexual offenses. In addition, applicants will also be excluded based upon convictions that occurred within the last 7 years for specific drug-, theft-, and weapons-related offenses. Nev. Rev. Stat. §§ 449.185 and 449.188.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

An individual may apply for restoration of his civil rights once he has served his sentence and been released from prison. Nev. Rev. Stat. § 213.157. In addition, an individual may apply for restoration of civil rights six months after being granted an honorable discharge from probation or parole. Nev. Rev. Stat. §§ 213.157 and 176A.860. A person who has been honorably discharged from probation and had his civil rights restored may vote, hold office, serve as a juror and deny the existence of the conviction to most employers. Nev. Rev. Stat. § 176A.850. In addition, an individual may apply for a pardon which may or may not include restoration of

civil rights. Nev. Rev. Stat. § 213.090. A pardon does not lift occupational bars. Op. Att'y Gen. 83-13, Sept. 14, 1983. Approximately ten to twenty persons receive pardons each year in Nevada.

OREGON

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Yes, for occupational licensing authorities. A license may not be denied, suspended, or revoked based solely upon a conviction. In determining the fitness of the individual, the facts surrounding the conviction and "intervening circumstances" must be considered. Or. Rev. Stat. § 670.280. There are no standards for public employers.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

No.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

No, only pardons. Or. Rev. Stat. § 144.649. A pardon does not serve as evidence of rehabilitation or lift occupational bars.

WASHINGTON

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes, although ban on considering most non-job-related remote convictions may provide grounds for court challenge or an administrative finding to the contrary.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Yes. Except for law enforcement agencies and those with unsupervised access to children and vulnerable adults, most public employers and occupational licensing agencies may not disqualify an individual solely because of a prior felony conviction. Because the conviction may be considered, however, individuals may be denied employment or a license if the conviction directly relates to the position or license sought and fewer than ten years have elapsed since the conviction. Regardless of the time elapsed, individuals may be barred from employment in the county treasurer's office based upon a felony conviction based upon embezzlement or theft. In addition, guilty pleas or convictions for felony offenses involving certain sexual offenses against children will also bar employment or licensing for many positions in education that involve unsupervised access to children, including teaching. Wash. Rev. Code §§ 9.96A.020, 9.96A.060, and 9.96A.030.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

Yes. Applicants for home health care employment must provide criminal history disclosure statements and also submit to criminal records checks. Applicants will be barred based upon convictions for crimes against individuals, for example, kidnapping, endangerment with a controlled substance, and indecent exposure, and for crimes involving financial exploitation, for example, extortion, theft, and forgery. However, home health care agencies are permitted to consider applicants convicted of other types of offenses after a certain period of time has elapsed since the conviction: for simple assault, assault in the fourth degree, prostitution, or theft in the third degree, after three or more years have elapsed; and for theft in the second degree or forgery, after five or more years have elapsed. Wash. Rev. Code §§ 43.43.842 and 43.43.830(5), (7); Wash. Admin. Code § 246-327-090.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Pardons are available from the Governor under extraordinary circumstances upon recommendation from the Clemency and Pardons Board. Wash. Const. art. 3, § 9 and Wash. Rev. Code § 9.94A.885(1). The effect of a pardon is not to obliterate an offense, but to condone it, remit any unpaid penalty, and restore the individual's civil rights. 1967 Att'y Gen. Op. No. 6.; State v. Cullen, 127 P.2d 257, 259 (Wash. Ct. App. 1942).



Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

Excerpt from [After Prison: Roadblocks to Reentry](#). This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.

Applications and Resumes

from the Offender Re-Entry Guide

This section of the Offender Re-Entry Guide is included here by permission from Corrections Clearinghouse, a project of the Washington State Employment Security Department. Corrections Clearinghouse provides training and technical assistance to assist offenders obtain employment and successfully integrate to the community.

For a complete copy of the Offender Re-Entry Guide, please contact:

Corrections Clearinghouse
PO Box 9046
Olympia, WA 98507-9046
(360) 407-5151
<http://www.wa.gov/esd/cch>

Copyright © WA State Employment Security Department, WorkSource Operations Division. All rights reserved. This workbook has been developed and produced by ESD for WorkSource WA. The user is granted a revocable, non-exclusive, non-transferable, non-sublicensable right to personal, non-commercial use of material contained in this workbook, subject to the following conditions: This workbook may not be reproduced in whole or in part for resale or private gain; Material otherwise reproduced from this workbook must reference this source, and this copyright notice; Any use or non-commercial reproduction of material contained in this workbook will be at the sole risk of the user or party reproducing the material, and the use or reproduction of this material will serve to WAIVE any liability of any nature whatsoever on the part of the State of Washington, Employment Security Department, its employees and agents. The Job Hunter curriculum, from which this material is adapted, is a workbook-based job assistance program for which the WA Employment Security Department holds the copyright. The Job Hunter curriculum is used by permission of the WA Employment Security Department for use in non-commercial settings, and may not be reproduced in whole or in part for resale or private gain.

Corrections Clearinghouse - Revised June 2004

"How Do I Go About Applying for a Job?"

"How shall I prepare?"

"What will I have to complete before I begin seeking employment interviews?"

"Nothing ever happens until the paperwork is done right."

"Imagine looking at yourself on paper. Would an employer want to meet you?"

Objectives:

- Complete a master application for employment.
- Prepare a formatted resume and "Quick" card worksheet.
- Learn how to write a cover letter.

Overview:

Many people think completing an employment application is a simple process. In reality it is a screening device, used by employers to weed out applicants who don't follow directions, pay attention to details, or worry about neatness. The way an application is completed reflects one's willingness to take time to turn in a quality product, and shows the person's consideration for the reader. An application is really a pre-employment test. When a person doesn't complete it as requested, it may end up being discarded. On the other hand, a well-done application can lead to an immediate interview. There are documented cases of jobs being created for people, just because their applications were so attractive.

You have to look good on paper to receive the consideration you want.

Applications

The application is the tool most familiar to job seekers. It contains questions about a job seeker's personal and work related data. It may also be the employer's first impression of the job seeker. Therefore, for the ex-offender it is very important that this information be filled out correctly and completely.

Remember: your first impression is a lasting impression and you can't change that. You never get a second chance to make a first impression.

Employers will also use applications as a screening device, a way to eliminate undesirable applicants from consideration. They will also usually refer to the application during the interview. The application may become the basis for most of the interview questions. The application will also allow employers the opportunity to compare the applicants.

It is easy to be untruthful on the application; however, many employers will fire you if they find out that you lied about any important item on your application. All information you provide on a job application can be checked and verified. When you sign your application you are saying it is all true and approving that the employer can verify it, and most do.

In preparing your application for employment you may believe that because of your incarceration and/or lack of work history, your application may not contain enough information to even be considered for employment. No matter what you did before incarceration or during incarceration that society would consider a negative; you must look beneath the surface to find the positives that you can use in a legal employment situation. You must consider everything you did on the inside, and pull out from each, as many abilities, skills, and strengths as possible.

Take a look at some examples of activities listed below and see what strengths (positives) you can pull from these.

Involvement In An Athletic Event or Sport = team player; competitive spirit; think quickly on your feet; display confidence; self motivation; quick learner; outgoing personality; good physical condition; adapt easily to new situation; handle stress well.	Arts & Crafts = can produce on a team or individual situation; handle responsibility; need little or no supervision; very good with hands; detail oriented; a fast learner; emphasis on quality.	Clubs = speaking well before large or small audiences; a leader; take initiative; can follow directions; know how to delegate responsibilities; can be counted on to complete assigned tasks; organized.	Counseling = good listener; can explain information and thoughts clearly; open to new ideas; can admit to and learn from making mistakes; enjoy discussions with others.
--	--	--	--

There may be many other strengths that you can think of for each of the above activities; these are just possibilities. Remember to look at all positive activities as an opportunity to improve your application.

What Employers Look for When Hiring

Employers ranked these factors that they consider in making hiring decisions, and what they consider most important.

Attitude -----	46%
Communication Skills -----	42%
Previous Work Experience-----	40%
Recommendations from Current Employees -----	34%
Previous Employer Recommendations -----	34%
Industry-based Credentials -----	32%
(Verifying Applicant's Skill) Years of Completed Schooling	29%
Scores on Test Administered as Part of the Interview----	25%
Academic Performance-----	25%
Experience or Reputation of Applicant's School -----	24%
Teacher Recommendations -----	21%

(Source: U.S. Census Bureau National Survey)

What Is It That Employers Want Most of All?

Employers are looking for an employee who is job-ready and who possesses basic skills. Employers also want employees who will continue to show those desirable characteristics every day on the job.

A Good Employee is One Who:

1. Learns easily	9. Negotiates conflicts
2. Reads and writes well	10. Works as a team member
3. Uses computers well	11. Is organized
4. Listens carefully and speaks coherently	12. Exercises leadership
5. Strives for career development	13. Sets goals
6. Thinks creatively	14. Is self-motivated
7. Solves problems	15. Maintains self esteem
8. Gets along with others	16. Life long learner

(Source: Workplace Basics: The Skills Employers Want, U.S. Department of Labor and American Society for Training and Development.)

Classes You Took While Incarcerated

Stating that you took Victims Awareness implies that you had victims. Stating that you took Stress and Anger Management implies that you have had difficulty managing your anger. These listings would raise red flags for any employer. Instead, word things in business language. For example, you could say that you took:

- Interpersonal Skills
- Communication Skills
- Self Management Skills
- GED
- Life Skills

Be sure to list the community college that offered the class, not the correctional institution where the class was located. Corrections Clearinghouse classes should be listed by their name; Job Hunter, Work Ethics, Job Dynamics. State that the class was completed through the Washington State Employment Security Department.

Reason for Leaving Last Employer

Many offenders have lost jobs because of being arrested or being fired or failing a drug test or not showing up for work. When listing your reasons for leaving, do not say that you were fired, quit, or that you were arrested and taken away. Below are examples of reasons for leaving that do not raise red flags of concern.

- Personal (now resolved)
- Will explain at interview
- Laid off or reduction in force
- Relocated
- Job ended
- Seasonal position
- Transportation issue (now resolved)
- Lack of hours/work
- Career Change
- Promoted
- Took time off to care for an ill family member
- Family reasons (now resolved)

Be sure to use the reason that fits your unique circumstance. Remember, you must still be prepared to provide an explanation when asked in an interview.

Filling Out Job Applications

Disclosing a Felony Conviction

It is particularly important for offenders to be truthful in filling out applications. However, the truth must be told in a way for the offender to get screened-in and invited to a face-to-face interview.

Question:

“Have you ever been convicted of a felony?” ☐ Yes ☐ No

If yes, it is recommended that the offender fill out the question as follows:

Have you ever been convicted of a felony? ☒ Yes ☐ No

If yes, please explain: Will explain at interview, I can be bonded.

Below are some compelling reasons to answer the question in this way.

- It allows you to be honest, yet protects your privacy by controlling who knows about the specific conviction.
- Stating that the felony is not job related and that the applicant is bondable may help to calm the employer's fears and perhaps even pique the employer's curiosity enough to call you in for an interview.
- Many Community Supervision Officers will tell an employer whether you have a felony or not.
- If an employer is going to find out, it is better to hear it from you.
- You control the flow of information - how it's worded, how it's presented.
- Once hired, you don't have to be constantly looking over your shoulder afraid someone will find out.
- Most employers do background checks.
- In the interview, you can talk about how productive you were in prison.
- Employers can take advantage of Work Opportunity Tax Credit (WOTC) and bonding.

Below is a list of other options to answering this question and probable consequences.

Check ‘YES’ and write the conviction. The candidate would likely be screened out and would lose privacy because anyone in the office who saw the application would know about the conviction.

Leave the question blank and/or put N/A. The application would appear incomplete and it would appear that the applicant is hiding something. When disclosing the felony at the interview, it would be awkward to explain why the questions are not filled in truthfully.

Check "NO" and lie. This appears to be the easiest route for many offenders and may help you get a job for the short term, but the longer-term consequences destroy any short-term gain. Consequences include:

- Not being hired because the lie was found out.
- Being fired as soon as the background check comes back.
- Carrying around emotional baggage wondering when you will be found out.
- Reinforcing offender stereotypes.
- Prosecution - especially if offender applied for a federal job.

Most employers do background checks before employees are promoted. So if an offender lied on the application, stayed with the company for a few years, became eligible for promotion, and the lie was exposed, the offender could:

- Lose a good job.
- Lose a good reference.
- Lose financial stability.
- Lose self-esteem.

Question:

Have you been convicted of a crime within the past ten years that directly relates to the position for which you are applying? ☐ Yes ☐ No

If the crime you have been convicted of has no direct relationship to the position for which you are applying you may answer "no". However, if the answer is "yes" you should mark "yes".

Example: You were convicted of forgery, and you are applying for a job as a bank teller. You would answer " yes," because your conviction has a direct relationship to the bank teller position.

Question:

What should I write if the question about conviction asks me to "explain"?

Always write "will explain at interview". This will keep everyone who may view your application from knowing your personal business.

Question:

How do I cover time in prison on the "Work Experience" portion of the application?

List only 2 or 3 of the jobs that may be in line with your future employment goals. If you did any work during your incarceration (i.e., janitor, cook, clerk, and or firefighter) submit the jobs you gained significant hands-on experience. During your incarceration, choose the jobs to describe that reflect skills gained, abilities developed, and accomplishments earned.

Example: If you worked both in the kitchen and as a janitor while incarcerated, you would indicate both jobs for your incarceration period and list only the year for dates of employment even though you may have moved from facility to facility and from job to job.

Question:

How do I complete the “business name”?

Use the abbreviated name of jail or corrections facility

Example: If you worked as a janitor, cook, painter, etc., you worked for the abbreviation of the Jail or Corrections Facility. Chelan County Regional Justice Center = Chelan Co. RJC; Washington Corrections Center = Washington CC.

Question:

How about completing the “salary” portion of Job Experience?

You should complete wage or salary by stating "stipend" on your application.

Example: Salary Stipend hourly N/A. See the example that follows.

At the time of the interview you will be prepared to discuss your incarceration (page 92).

Question:

What about completing the “address” portion of Job History?

Do not use P.O. Boxes. Use only the city and state as the address, or only list the street address of the institution. The reason is that some people associate “P.O. Boxes” with prison in certain towns.

Question:

What about phone numbers for previous employers?

Obtain permission to list your last work supervisor’s direct contact phone number. If you don’t know it, research it, write a letter for the phone number and request permission from the person responsible who oversaw your work or duties. If it’s not possible to obtain a direct phone number to an individual list the main phone number of the facility, or as a last resort list "unknown" as the contact phone number.

If previous private employers are “no longer in business” state that as the phone number. Collecting accurate phone numbers is important to make it easy for the employer to verify past jobs. If it’s too difficult the employer may get frustrated and by-pass the rest of your application moving to the next one.

Question:

How to complete the “reason for leaving” portion of Work Experience?

Correct responses can be “Relocated,” “Contract ended,” “Transferred,” or “Pursued other opportunities.”

What follows is an example of a Work Experience response. Please note the reason for completing the “Work Experience” portion this way is to get your application past whomever may be screening applications for interviews. It is vital that your “Work Experience” is complete, yet, don’t advertise your incarceration. That information is only between you and the interviewer not anyone who may see your application.

Example: WORK EXPERIENCE SECTION
Name: Twin Rivers CC or County RJC
Address: Monroe, Washington
Supervisor: N/A
Dates: From June 1, 1988 to June 30, 1989
Position: Cook Rate of pay: Stipend per N/A
Reason for leaving: Relocated

References

References are people you know who can tell employers about who you are and what you can do. References confirm the information on your employment application and/or resume. They also support your character, skills, accomplishments, and work habits. Having good things that are said about you from another person is reassuring to the employer. Ask permission before listing a person as a reference, and OK to refer an employer to call them. Ask your references for their business cards to have all their correct contact information.

The references you list on your job application and/or resume will more than likely receive a telephone call from prospective employers. **Make sure you talk with your reference in advance**, so they will prepare for the employer's call. Keep your references up-to-date on all your job hunting activities, especially good news about going to work. Thank them sincerely for all their support and again ask them to continue being a reference as you compete for better jobs. A good reference is as good as gold.

Type of References

The people you choose to ask to be listed for references depend upon your experiences, job goals, and the position you're seeking. If you are an experienced worker use these references:

- Previous bosses and supervisors
- People you may have supervised
- Former fellow workers

If you are a job hunter re-entering the work force use these references:

- Members or leaders of groups you belong to (Community, Religious groups, etc.).
- Supervisors from a part-time or full-time jobs
- Teachers

If you are entering the work force for the first time use these references:

- Personal friends
- Counselors
- Teachers, doctors, lawyers
- Landlords
- People you have been involved with in volunteer projects

Employment Reference Worksheet

You should have at least three references that are not related to you.

1. Name of Reference: _____

Job Title: _____

Name of Company: _____

Work Address: _____

City, State, Zip Code: _____

Best Phone Number: _____

E-Mail Address (optional): _____

Fax Number: (optional): _____

Relationship to you: _____

2. Name of Reference: _____

Job Title: _____

Name of Company: _____

Work Address: _____

City, State, Zip Code: _____

Best Phone Number: _____

E-Mail Address (optional): _____

Fax Number: (optional): _____

Relationship to you: _____

3. Name of Reference: _____

Job Title: _____

Name of Company: _____

Work Address: _____

City, State, Zip Code: _____

Best Phone Number: _____

E-Mail Address (optional): _____

Fax Number: (optional): _____

Relationship to you: _____

Master Application for Employment

Now with the detailed information you've collected prepare a sample master application, which will be what you'll use to start your job hunt. Fill out every question with the complete accurate information. Find all the addresses, dates, and required information now to prepare the sample master job application then keep it up-to-date.

Your fully completed master application has all the information to prepare any application consistently and quickly. Employers will require you complete their job application, this way you are ready to apply for any job opening you find right then and there.

SAMPLE MASTER APPLICATION FOR EMPLOYMENT

Complete all information accurately, completely, and honestly. This application is incomplete without answers to all questions or N/A as not applicable.

GENERAL INFORMATION

Name (Last)	(First)	(Middle Initial)	Home Telephone () -
Address (Mailing Address)	(City)	(State)	(Zip)
E-Mail Address (optional)		Are you legally entitled to work in the U.S.? <input type="checkbox"/> Yes <input type="checkbox"/> No	

POSITION

Position Or Type Of Employment Desired	Will Accept: <input type="checkbox"/> Part-Time <input type="checkbox"/> Full-Time <input type="checkbox"/> Temporary	Shift: <input type="checkbox"/> Day <input type="checkbox"/> Swing <input type="checkbox"/> Graveyard <input type="checkbox"/> Rotating
Are you able to perform the essential functions of the job you are applying for, with or without reasonable accommodation? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Salary Desired	Date Available	

EDUCATION AND TRAINING

High School Graduate Or General Education (GED) Test Passed? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, list the highest grade completed						
College, Business School, Military (Most recent first)						
Name and Location	Dates Attended Month/Year	Credits Earned		Graduate	Degree & Year	Major or Subject
		Quarterly or Semester Hours	Other (Specify)			
	From			<input type="checkbox"/> Yes <input type="checkbox"/> No		
	To					
	From			<input type="checkbox"/> Yes <input type="checkbox"/> No		
	To					
	From			<input type="checkbox"/> Yes <input type="checkbox"/> No		
	To					
	From			<input type="checkbox"/> Yes <input type="checkbox"/> No		
	To					
Occupational License, Certificate or Registration		Number	Where Issued		Expiration Date	
Occupational License, Certificate or Registration		Number	Where Issued		Expiration Date	
Languages Read, Written or Spoken Fluently Other Than English						

VETERAN INFORMATION (Most recent)

Branch of Service	Date of Entry	Date of Discharge
--------------------------	----------------------	--------------------------

BACKGROUND INFORMATION

Have you been convicted of a misdemeanor or felony within the past ten- (10) years that might unfavorably affect your fitness for this job? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain.

SPECIAL SKILLS (List all pertinent skills and equipment that you can operate)

--

WORK EXPERIENCE (Most Recent First) (Include voluntary work and military experience)

Employer	Telephone Number () -	From (Month/Year)
Address		
Job Title	Number Employees Supervised	To (Month/Year)
Specific Duties		Hours Per Week
		Last Salary
		Supervisor
Reason For Leaving		May We Contact This Employer? <input type="checkbox"/> Yes <input type="checkbox"/> No
Employer	Telephone Number () -	From (Month/Year)
Address		
Job Title	Number Employees Supervised	To (Month/Year)
Specific Duties		Hours Per Week
		Last Salary
		Supervisor
Reason For Leaving		May We Contact This Employer? <input type="checkbox"/> Yes <input type="checkbox"/> No
Employer	Telephone Number () -	From (Month/Year)
Address		
Job Title	Number Employees Supervised	To (Month/Year)
Specific Duties		Hours Per Week
		Last Salary
		Supervisor
Reason For Leaving		May We Contact This Employer? <input type="checkbox"/> Yes <input type="checkbox"/> No
Employer	Telephone Number () -	From (Month/Year)
Address		
Job Title	Number Employees Supervised	To (Month/Year)
Specific Duties		Hours Per Week
		Last Salary
		Supervisor
Reason For Leaving		May We Contact This Employer? <input type="checkbox"/> Yes <input type="checkbox"/> No

I certify the information contained in this application is true, correct, and complete. I understand that, if employed, false statements reported on this application may be considered sufficient cause for dismissal.

My Personal References: Name, title, company, and complete address, phone number, relation to you.

1.
2.
3.



Resumes and "Quick" Cards

Resumes are used by most job seekers as a means of advertising their qualities. The purpose is to spark an employer's interest enough to be interviewed. Simply, you are making an impression on paper for the opportunity to personally convince a business to hire you. You want to meet the employer face-to-face!

A resume is an individual statement that communicates abilities, skills, education, training, experience, plans, attitudes and character. These traits are presented in a style that indicates this person will meet the employer expectations. The effort also demonstrates preparation, organization and seriousness.

Your resume doesn't need to be overly complicated or full of unnecessary information. But, like an application, **the resume is often an employer's first impression** so it should be a good one. The appearance of the resume is as important as its content. The resume needs to be neat, easy to read and should not contain grammatical or spelling errors.

Resumes can be presented individually or to businesses where you are interested in working or, they can be included with completed applications. They could make the difference between you and someone else who is equally qualified. Resumes can also be used when applying to colleges, vocational-technical (voc-tech) schools, Job Corps, group homes, and other places or organizations where you wish to gain admittance.

This work search tool may not be for everyone, especially younger youth who are seeking their first job. However, as you acquire experience, training, and education and have made goals, an updated resume should definitely be included in your portfolio.

Another means of selling yourself to an employer is through a "quick" card. These are three by five (3" X 5") or four by six (4" x 6") file cards containing the same basic information included on a resume. They stress your strong points and can be left with businesses or clipped to an application as a written reminder of your qualifications.

"Quick" cards are not as detailed or complete as a resume, but are simpler to construct. They can be hand-printed which is much easier for someone without access to a computer, printer or typewriter. They also take less time, and do not require special materials. "Quick" cards are less expensive and can be just as effective as a resume, (neat and organized). "Quick" cards can be easily changed for different businesses, objectives and situations.

Resumes and "quick" cards help you prepare for other aspects of the job search. By thinking about and organizing your strengths and qualifications in positive terms, you are actually practicing for applications and interviewing.

Job Directed Resume Instruction Sheet

- Name:** Centered in bold print. Font should not be unusual or distracting. Helvetica, Courier and Geneva print types are commonly used. Use your full first and last name; middle name is optional. Do not use a nickname.
- Address:** Centered one space below name, use regular print and spell everything out. Be sure to center the city, state and zip code below the address. Do not use abbreviations.
- Phone:** Centered below city, state and zip code. List area code first. Provide a daytime number that will be answered by you or someone responsible who will get you the message. Answering machines are acceptable if the message is not inappropriate or silly.

Job Objective:

Be as specific as possible:

Employment as a retail salesperson at Footlocker.

If you are unsure of where you will be applying, or unable to make individual copies, describe your objective in broader terms such as:

Employment as a retail salesperson.

List according to:

Work Related Abilities:

Reflect the work qualities important for most jobs.

List four or five that are most suitable to your abilities and qualifications.

Examples:

- Hard Worker - Work is done to the best of one's ability.
- Enthusiastic - Good attitude, wants to work and does not complain.
- Quick learner - Does not need repeated instruction or training.
- Takes direction well - Does not need repeated instruction or training.
- Good interpersonal skills - Interacts well with others; co-workers and public.
- Reliable - Tasks are completed consistently and independently.
- Dependable - Shows up on time and ready to work.
- Honest - No explanation needed.

Employment Experience:

Description of past work experience including position, duties, responsibilities, and location. Don't forget to include advancements and equipment operated, especially if related to the job.

Tab and highlight.

Education and Goals:

Describe present education status.

Examples: "Completed General Education Development (GED) Certification; High School Diploma; or presently working towards your GED or High School Diploma".

It is important to mention goals, short and long term, that relate to continued learning and training. For instance: Plan to continue skills development in Vocational School, Technical College, Community College, Job Corps or otherwise. Be as specific as possible.

Then describe your main areas of interest.

Example: Interested in environment related careers and construction.

Training:

List any relevant training, permits, certificates, competencies and experience.

Examples are: vocational and pre-vocational classes, training received through state or local government employment, food handlers cards, First Aid and/or CPR instruction, and on the job situations.

Related Experience:

List other experience that's relevant to the job objective and not mentioned previously. This can include any unpaid or volunteer work, hobbies and interests that demonstrate transferable skills are appropriate.

References available upon request:

Can be in-line below other categories (left margin) or centered. Don't mention names specifically but be ready to supply if requested.

Now you have a resume, have someone review it for a critique. It's highly recommended to always getting a second opinion on the resume you produce. This will help ensure you are gaining the desired effect you want the resume to have, the best reflection of what an employer needs to know about you. Don't be afraid to take suggestions and make improvements. Consider your resume a "living document" one that is never finished being written. Keep your resume up-to-date as you gain additional job experience, skills, abilities, and education. You'll be ready for the next job opportunity to compete for.

Give a copy of your resume to each of your references for their feedback, they will also want it to refer to when contacted by an employer.

**Power Words
for
Resumes**

ACCOMPANIED
 ACCUMULATED
 ACHIEVED
 ACQUIRED
 ADMINISTERED
 ADMITTED
 ADVISED
 AIDED
 ALLOWED
 ANALYZED
 ANSWERED
 APPLIED
 APPOINTED
 APPRAISED
 ARRANGED
 ASSEMBLED
 ASSESSED
 ASSIGNED
 ASSISTED
 ATTACHED
 ATTENDED
 AUTHORIZED

 BALANCED
 BILLED
 BOUGHT
 BUDGETED
 BUILT

 CALCULATED
 CASHED
 CATALOGED
 CHANGED
 CHARGED
 CHARTED
 CHECKED
 CLASSIFIED
 CLEANED
 CLEARED
 CLOSED
 CODED
 COLLECTED
 COMANDED
 COMMUNICATED
 COMPILED
 COMPLETED
 COMPOSED
 COMPUTED
 CONDUCTED
 CONFERRED
 CONSTRUCTED

CONSULTED
 CONTACTED
 CONTRACTED
 CONTRASTED
 CONTROLLED
 CONVERTED
 CONVINCED
 COORDINATED
 COPIED
 CORRECTED
 CORRESPONDED
 COUNSELED
 COUNTED
 CREATED

 DEBATED
 DECIDED
 DELIVERED
 DEMONSTRATED
 DEPOSITED
 DESCRIBED
 DESIGNED
 DETAILED
 DETERMINED
 DEVELOPED
 DEvised
 DIAGNOSED
 DISCOVERED
 DISMANTLED
 DISPATCHED
 DISPENSED
 DISPLACED
 DIRECTED
 DISTRIBUTED
 DOCUMENTED
 DREW
 DROVE

 EARNED
 EDUCATED
 EMPLOYED
 ENCOURAGED
 ENGINEERED
 ENTERTAINED
 ESTABLISHED
 ESTIMATED
 EVALUATED
 EXAMINED
 EXCHANGED
 EXERTED
 EXHIBITED
 EXPERIENCED
 EXPANDED

 FABRICATED
 FACILITATED

FED
 FIGURED
 FILED
 FILLED
 FINANCED
 FINISHED
 FIRED
 FITTED
 FIXED
 FORMULATED
 FOUNDED
 GOVERNED
 GRADED
 GRAPHED
 GREETED
 HANDLED
 HEADED
 HELPED
 HIRED

 IDENTIFIED
 IMPLEMENTED
 IMPROVED
 IMPROVISED
 INCREASED
 INDEXED
 INDICATED
 INFORMED
 INITIATED
 INSPECTED
 INSTALLED
 INSTRUCTED
 INSURED
 INTEGRATED
 INTERPRETED
 INTERVIEWED
 INTRODUCED
 INVENTORIED
 INVESTIGATED
 INVOICED
 ISSUED
 JUDGED
 JUSTIFIED
 KEPT

 LEARNED
 LECTURED
 LED
 LICENSED
 LISTENED
 LISTED
 LOADED
 LOCATED
 LOGGED
 MAILED
 MAINTAINED

MANAGED
 MANUFACTURED
 MARKED
 MARKETED
 MEASURED
 MET
 MODIFIED
 MONITORED
 MOTIVATED

 NEGOTIATED
 NOMINATED
 NOTED
 NOTIFIED
 NUMBERED

 OBSERVED
 OBTAINED
 OPENED
 OPERATED
 ORDERED
 ORGANIZED
 OUTLINED
 OVERCAME

 PACKAGED
 PACKED
 PAID
 PARTICIPATED
 PATROLLED
 PERFECTED
 PERFORMED
 PILOTED
 PLACED
 PLANED
 POSTED
 PREPARED
 PRESCRIBED
 PRESENTED
 PRICED
 PRINTED
 PROCESSED
 PRODUCED
 PROGRAMMED
 PROMOTED
 PROMPTED
 PROOFREAD
 PROPOSED
 PROVED
 PROVIDED
 PUBLISHED
 PURCHASED

 RAN
 RATED
 READ

REARRANGED
 REBUILT
 RECALLED
 RECEIVED
 RECOMMENDED
 RECONCILED
 RECORDED
 REDUCED
 REFERRED
 REGISTERED
 REGULATED
 RELATED
 RELAYED
 RENEWED
 REORGANIZE
 REPAIRED
 REPLACED
 REPORTED
 REQUESTED
 RESEARCHED
 RESERVED
 REPOSNSIBLE
 RETRIEVED
 REVISED
 ROUTED

 SCHEDULED
 SECURED
 SELECTED
 SENT
 SEPARATED
 SERVED
 SERVICED
 SET UP
 SHOWED
 SOLD
 SOLICITED
 SORTED
 STOCKED
 STORED
 STRIVE
 SUMMARIZED
 SUPERVISED
 SUPPLIED

 TALLIED
 TAUGHT
 TESTED
 TELEPHONED
 TRANSFERRED
 TRANSPORT
 TUTORED
 TYPED
 VERIFIED

Pre-Resume and Quick Card Outline

Full Name: _____

Address: _____

Phone Number: _____

My Job Objective: _____

Best Work Skills (5 or more): _____

Job Specific Skills: _____

Work Experience (list in order, most recent first, and copy information from master application):

Training, Certificates and Additional Job Related Experiences (see application):

Educational, Vocational and Life Goals:

Special Interests and Hobbies:

List 3 references; (addresses, phone numbers and their relationship to you):

Reference 1; Address:

 Phone #:

 Relationship:

Reference 2; Address:

 Phone #:

 Relationship:

Reference 3; Address:

 Phone #:

 Relationship:

"Quick" Card Instruction Guide

"Quick" cards are similar to resumes but don't require equipment like computers and printers that may not be available to everyone. They can be easily adapted to different job titles (open jobs) and businesses too. When made and used correctly, a "Quick" card quickly communicates a person's abilities, skills and potential to an employer.

The required materials are white or lightly colored 3"X5" or 4"X6" file cards, a black ink pen and the necessary personal information. First complete the resume/quick card outline. This information can also be obtained from a completed master application.

Printing should be neat and easily readable; type is better. Just like an application or resume, there shouldn't be any spelling or grammatical errors.

Name: First, last and middle initial (optional), Phone: (best daytime number)

Objective: Objective should be as specific as possible. Examples: Nursery worker; Carpenter's Helper or Landscaper.

Job Specific Skills: List those skills that relate directly to the above objective. (i.e., familiar with chainsaws, brush cutters, and power-pruners; would be skills that apply to a landscaper's assistant.)

Work Skills or Strengths: These are the universal or transferable skills necessary on all jobs, (i.e. hard worker, enthusiastic, quick learner, takes directions well, good interpersonal skills, responsible, reliable, dependable and honest).

Experience: Highlight any work (paid or unpaid) that shows direct or transferable experience with the objective. See the sample "quick" cards for examples.

Training: Describe training relevant to the Objective, (i.e. completed Culinary Arts Program; State Certified Wastewater Technician; or on-the-job training).

Education: Identify completed status such as "GED certified" or "High School Graduate".

1. Use different headings to fit the objective, and also reflect individual strengths and preferences. The headings can be arranged in any order.
2. "Quick" cards, like resumes, are used to tell an employer what you can do for them. Attach your card to the applications or leave them at businesses where you would like to work. Then call back after a few days to ask if you can fill out an application or better, possibly interview for the "hidden" job that may not be open yet.
3. Remember to always look like you're going to an interview. You will never know if someone makes a judgement based on your appearance, so be prepared.

Sample "Quick" Cards

Name: _____ Daytime Phone Number: _____

Employment Objective: Certified Washington State Wastewater Operator.

Capabilities: Quick learner who pays attention to details. Can take direction and work as a team. Career minded individual with desire to advance in knowledge and experience.

Valid Washington State Drivers License.

Will work any shift, plus weekends and holidays.

Hard worker, good attitude, reliable, responsible, and honest.

Name: _____ Daytime Phone Number: _____

Objective: Employment using skills and abilities.

Work Skills: Enthusiastic, quick learner, take directions well, good interpersonal skills, and responsible.

Experience: Six months as a forestry worker with the Washington Department of Natural Resources. Familiar with power tools and safety practices.

Strengths: Hard worker, good attitude, reliable and honest.

Will work different shifts, weekends, and holidays.

Name: _____ Daytime Phone Number: _____

Vocational Objective: Cook, Prep-Cook, or Related Position,

Experience: Have cooked, prepared and served food in quantity. Interested in food service (cooking) as a career.

Training: Completed pre-vocational Culinary Arts program.

Valid Washington State Food Handlers Permit.

Strengths: Hard worker, good attitude, reliable and honest.

Willing to work nights, weekends, and holidays.

Preparing the Cover Letter

Every resume should be accompanied by a cover letter, which:

- Is a personal correspondence between you and the employer.
- Expresses your knowledge of the company.
- Establishes a connection between your abilities and the employer's needs.
- Introduces your resume and invites the reader to explore it fully.

Cover Letter Guidelines

Keep in mind the following as you write your cover letter:

- Personalize the letter; address it to a specific person by name and job title.
- Briefly explain why you're writing and set the tone from the very beginning.
- Keep it short, to the point, and powerful.
- Highlight your qualifications that are relevant to the job applied for.
- Use simple, direct language, correct grammar, punctuation and spelling. Type neatly and proofread it. Hand sign your signature above your typed name.
- Let your individuality show but avoid being too cute, too humorous, too aggressive or too familiar. Put the best you in the letter.
- Use the same bond paper as your resume.
- Close with your commitment to follow up by asking for an interview or indicating when and how you will be contacting them next.
- Remember: some employers ask for cover letters mainly to assess your writing skills and whether or not you can format a letter.

Cover Letter Outline

Introduction Paragraph – Tell why you are writing i.e., how you heard about the job opening. Name the position or department for which you are applying. Show there is a benefit coming by setting a positive tone. Make it clear that you have done research and that you have something to offer. Write about the employer in this paragraph, not about you.

Body – Your objective in the cover letter is to intrigue the reader. Highlight skills and qualifications that are relevant to the job. State why you would be good for the position and what value you can bring to the employer. Let them know that what you have to offer matters to them. Keep it specific to what you know the employer is looking for and places value in. Be brief, confident and genuine.

Concluding Information – Reiterate your interest in working for the company. Indicate your plan of action for following up. Express your thanks for the time they are taking to review and consider your resume.

Helpful Hint – Remember to include your name, address and best phone number as a heading to the letter. Spell out the employer's name and job title, company name, and address. Don't forget to sign your name above your typed name.

Sample Cover Letter

Your Name
Your Street
Your City, State & Zip Code
Your Best Contact Area Code & Phone Number

Today's date

Hiring Authority's First and Last Name
Hiring Authority's Job Title
Target Company
Street Address
City, State Zip

Dear <Name of Hiring Authority>:

In response to your recent position opening advertisement, please accept this letter of interest for the <name of> job currently available. I believe I can meet your needs and contribute to the fine reputation your company has established.

As you can see from my enclosed resume, my education <type of training>, as well as my varied <types of> skills and abilities, make me a strong candidate for this opportunity. I have solid experience in this field and personal commitment to provide quality services to meet your customer's needs.

I would appreciate the opportunity to discuss my qualifications with you at a mutually convenient time. I will call you next Monday to try to schedule a meeting. Thank you for your consideration.

Sincerely,

Your Signature

Your Name

Enclosure: Personal Resume

Use the skills you have to get the job and succeed in it.

Don't be afraid to use your skills to do the best job. You may not be perfect doing everything at first, but you'll get better with practice, and what's important is to learn and do the job the way your employer wants it done now.

Learn how to learn. You must be willing to learn new skills because your job duties probably will change. Seize every chance to learn new skills. Volunteer to help out on other functions and tasks when you have the opportunity.

Use your interpersonal skills to your advantage. Get along with your supervisor and co-workers. Your supervisor expects you to be dependable and to do your best work and get along with others on the job. Getting to know your co-workers and being able to get along with them will increase your chances of being more successful in the job.

Good communication skills can take you along way. You will be expressing your thoughts, needs and want as you talk with your supervisor and co-workers. The following tips can help you in any conversation:

- Remember people's names. Ask questions to get the conversation moving. Be a good listener.
- Think before you talk. Organize you thoughts using the best words to convey your meaning.
- Speak clearly. Avoid mumbling. Pronounce your words clearly without speaking too fast or too slow, too loudly or too softly.
- Use your best grammar and do not use slang.

Establishing good work habits are essential to holding your new job and becoming part of the team. Here are some tips to have solid work habits:

1. Be on time every day, especially after lunch and breaks. Timeliness displays your dependability. Plan to show up at work a few minutes early each day to allow for anything that may unexpectedly delay you. It's very important to be at work when you are needed.
2. Look the part by wearing clean and appropriate dress for the job. Shine your shoes. Wear conservative fashions, no flashy colors or patterns that clash. Avoid excessive jewelry, make up, and strong colognes or perfumes.
3. Follow all employee rules. Be especially careful to keep all safety rules. Thoroughly know your employers' policies and procedures in the Employee Handbook. There may be some unwritten rules you need to learn as well. Make friends, not enemies to learn more about these.
4. Learn the job inside and out before you make tactful suggestions on how the job could be done better. Keep your eyes and ears open, but your mouth closed, for the first month or two.

5. Show an interest in your work by doing everything to the best of your ability. Try coming up with solutions before asking for help. Build a reputation as a problem solver.
6. Be loyal to your employer. Don't criticize the boss or the company products or services.
7. If you want to advance on the job, figure out a way to make money for the company or improve performance. Take initiative and lend a hand with other workers' assignments and tasks this will show you are a team player.
8. Be genuine by offering a warm friendly greeting, smile and extend a firm handshake to greet you supervisor and co-workers. Mind your manners and avoid office politics and gossip.
9. Go out of your way to provide friendly, helpful service to the customers. The customer pays your wage and building repeat business is how businesses succeed. Be enthusiastic and willing to go the "extra mile" to get the job done.
10. Everyone makes mistakes, especially when you're on a new job. If you make a mistake, admit it and be willing to correct it. It shows that you are honest. Be sure to ask questions if you don't understand instructions, and listen carefully to the answers.
11. Be flexible as a new employee you will be asked to do some tasks that you may dislike. Show your maturity and handle it by doing your best. Sometimes you have to pay dues to prove yourself in a new job and earn better work assignments.
12. Try to never ask for time off of work on short notice unless you have an emergency that nobody else can resolve. Develop a back up plan of alternatives for childcare and transportation. Don't let the necessities become an issue to hold your job.

A Good Worker is:**List Your Examples**

Dependable	1. _____ 2. _____ 3. _____ 4. _____ 5. _____
Efficient	1. _____ 2. _____ 3. _____ 4. _____

A Good Worker:	List Your Examples
Takes Initiative	1. _____ 2. _____ 3. _____

Your Employee Handbook lists your employers' policies, procedures, and expectations of their workers.

Most employers hire new workers on a probationary period to begin with. During this period all new employees are evaluated. The things employees are evaluated on are not just how well they can do the work. They also are evaluated on their attitude, attendance and timeliness, how well they get along with other workers, if they follow instructions and policies defined in the Employee Handbook.

The following information is taken directly out of real employer handbooks for new employees from various companies.

Basic Responsibilities and Skills listed in Employee Handbooks:

- Arrive for work on time on those days designated on the schedule.
- Be dressed in clean and proper work attire or uniform.
- Clock in and start work at the time designated on the schedule, and clock out at the end of your shift.
- Check with the Supervisor on duty to find out your job assignment for your shift.
- Present a pleasant, good-natured attitude to every customer you come in contact with-no exceptions. Each customer helps to pay your wages, treat them accordingly.
- Cater to each and every customer as though his order was your first and last chance to impress the public with your superior service and courtesy.
- Serve our customers with quality goods and services.
- Take responsibility to replenish supplies when you use the last item.
- Rotate supplies. Use the "first in, first out" method where older items in supply are used first, and replenished with fresher stock.
- Keep the lot, lobby, restrooms, and your workplace clean and organized. Clean as you go.
- Perform such other duties as your supervisor directs in an efficient and timely manner.

You are a "public relations" representative in any business. These are general skills that everybody should know and perform. It is your responsibility to perform them with maximum effectiveness and results for your employer.

Your Employee Handbook will also list examples of unacceptable behavior. This is only a partial list. Depending on the situation, the employee can be given time to correct the behavior. However, if the problem continues, it will lead to dismissal.

Examples of Unacceptable Behaviors:

- Missing work or arriving late frequently without permission. If you must miss work or arrive late, call your supervisor at least two hours ahead of time to give notice of the circumstance.
- Failing to do your work duties or otherwise intentionally wasting time.
- Using the telephone for excessive personal calls or conducting personal business during work hours. This includes in-coming and out-going calls.
- Violating safety or health rules.

Examples of Gross Misconduct: These are acts that are considered to be gross misconduct, behavior so offensive that the employee can face immediate dismissal.

- Threatening, cussing or abusing any person while on company property.
- Falsifying any record or giving false information to anyone whose duty is to make records.
- Fighting or attempting to hurt another while on company premises or while conducting company business.
- Sexual, racial or any other form of harassment towards any employee or customer.
- Possession of a weapon while on company property or while conducting company business.
- Theft or other dishonest acts while on company property or while conducting company business.
- Reporting to work under the influence of alcohol or illegal drugs or any other activity on company property involving alcohol, illegal drugs or abuse of prescription drugs.
- Gross insubordination or refusals to follow work instructions from your supervisor.
- False accusations against company or against another employee or customer.
- Any other action equally threatening to the company's best interests.

The Employee Handbook also explains the process for performance, merit raises and promotions. Businesses and companies want to be fair about evaluating your work performance and determining wage increases. Your financial and career progress is based on your productivity, experience, job interest and proven ability coupled with the need and performance of the business. Your job description covers all areas that you are responsible for. Ask your supervisor to spell out their expectations of you. Clear communication is extremely important.

The performance, merit raise and promotion process is designed to hold employees accountable for performance expectations, ensure fair compensation, foster career growth by identifying strengths and areas for improvement, guarantee recognition, and provide an opportunity for discussions with your supervisor and management. Promoting employees from within the company saves businesses time and money. The talents, training, potential, experience and goals of current employees will generally be considered before recruiting and hiring anyone outside of the company.

Why is an Employee Handbook important to the employer? _____

What is the most important information for a new employee to know in the Employee Handbook?

Thinking like an employer, what would you include in your Employee Handbook?

What does it take to get ahead? How do I avoid a relapse to where I started and actually advance?

With consistently sustained attendance, learning new skills and tasks, productivity and performance you will earn advancement in the job you have. Achieving stable employment involves using these skills and behaviors that you may have little or no experience with. However, it is important to remember you have abilities, motivation and strengths you can count on. Make up your mind this is the job you really want and will do what it takes to grow with it, or simply keep looking for that job while working. You'll find it's easier to get a better job while working a job. You are in a situation with more control over your next job offer and can choose one you want.

It will still be challenging and demanding. Use your self-management skills by anticipating your reactions to high stress situations and you are prepared with coping skills for goal achievement, task accomplishment, and strengthened problem solving abilities. Your attitude in the belief you can stay on task will build the expectation of success and not give up too easily and relapse to where you were.

As with anything in life, things change, planning is still the key to stay with, or ahead of those changes that will happen. A complete person balances both the working life and home life they live. You can not develop enough alternatives to predict all the circumstances that may happen, but your investment of attention and time will prepare you to do your best balancing act and not stress out. Your dedication to problem

solving, faced with obstacles and frustrations, is critical to hold on to what you've earned. Don't lose all you've accomplished so far by giving in. Deal with it, and get ahead, deny it and you're sliding back into an un-useful mind set.

Recognizing relapse triggers at home and work

A relapse trigger is any situation that poses a threat to the your sense of control, and/or sense of what is best for yourself. In the real world you have to learn to break down the hassles of normal life into smaller, more manageable problems you can then deal with. This means focus on the little things of the bigger problem, and look at how to work the problem from the bottom to top, and what is the proper sequence that gets the solution of the bigger problem.

For the following situations reply with your actions in the sequence you would do them to successful deal with each:

1. With 30 minutes to get to work you are ready to go and discover your purse or wallet is missing. How do you deal with this?

2. Driving on your way to work your car quits running five miles away. How do you deal with this?

3. It's payday and co-workers invite you out to celebrate your first check. You know that the entire amount is obligated for bills and budget. How do you deal with this?

Your Lifestyle as a Job Hunter

The quicker you learn that you'll be job hunting the rest of your life is a huge leap forward. Congratulations, you are now a part of the modern labor market. As your job hunting lifestyle continues to develop your next job leads, and further career development, consider these trends to make realistic decisions about your future.

- **Lifelong Learning is the way to Lifelong Employability.** Continue your education as far as you can. Re-tooling your mind with the skills that employer's value highly means you can find others jobs easily when you are laid off. Expectation of lifelong employment with one business or company no longer exists. To maintain yourself in stable employment and be self-supporting advancing your education is the key.
- **Diversity in the Workplace is here to stay.** Employers value employees who can work with and accept cultural differences. The modern labor market has more women, older workers, foreign born peoples of different races and ethnic groups than ever before. You must have the attitude to fit in right along side anyone.
- **You may have to join the Temporary Workforce** to get a better job after. It's policy at many companies today to utilize temporary or contract workers as a way to try people out for their jobs. This means you have more flexibility, but limited benefits and no job security.
- **Computers, English, Math, Science and Communication skills** are and will always are in demand by employers. This knowledge and expertise are the tools that generate economic growth and give employers the competitive edge with technically savvy employees.
- **Customer Service** is crucial for businesses and companies to gain and maintain customers in economic tight times. Employees demonstrating positive, helpful attitudes towards customers, supervisors and co-workers are the ones they keep.
- **Be aware of the Economic Conditions** in your local, national, and global labor markets. Literally thousands of jobs are created or destroyed by technological advances, corporate restructuring, and economic down or up turns. Be prepared for it.
- **Stagnate Wage Growth** is the modern trend where employers are willing to replace long-term employees with younger, less expensive workers. This practice has kept wages flat.
- **High Turnover Rates** in employment. You can expect to have many jobs and change careers regularly during your working lifetime. The old fashion career ladder no longer exists. The reality is only you are in control to make decisions about choosing a career path and the training you need to qualify.
- **You are the Free Agent to meet the Employers' Needs.** Accept this relationship with employers where you provide abilities, knowledge, and skills in exchange for wages and benefits as long as both parties are satisfied. The relationship is over when one party wants out or the contract expires.
- **Do what You Love** by focusing on work that is fulfilling and interesting in making career plans. Since job security doesn't exist anymore you might as well do what you like while you can do it.

Interviewing

from the Offender Re-Entry Guide

This section of the Offender Re-Entry Guide is included here by permission from Corrections Clearinghouse, a project of the Washington State Employment Security Department. Corrections Clearinghouse provides training and technical assistance to assist offenders obtain employment and successfully integrate into the community.

For a complete copy of the Offender Re-Entry Guide, please contact:

Corrections Clearinghouse
PO Box 9046
Olympia, WA 98507-9046
(360) 407-5151
<http://www.wa.gov/esd/cch>

Copyright © WA State Employment Security Department, WorkSource Operations Division. All rights reserved. This workbook has been developed and produced by ESD for WorkSource WA. The user is granted a revocable, non-exclusive, non-transferable, non-sublicensable right to personal, non-commercial use of material contained in this workbook, subject to the following conditions: This workbook may not be reproduced in whole or in part for resale or private gain; Material otherwise reproduced from this workbook must reference this source, and this copyright notice; Any use or non-commercial reproduction of material contained in this workbook will be at the sole risk of the user or party reproducing the material, and the use or reproduction of this material will serve to WAIVE any liability of any nature whatsoever on the part of the State of Washington, Employment Security Department, its employees and agents. The Job Hunter curriculum, from which this material is adapted, is a workbook-based job assistance program for which the WA Employment Security Department holds the copyright. The Job Hunter curriculum is used by permission of the WA Employment Security Department for use in non-commercial settings, and may not be reproduced in whole or in part for resale or private gain.

“What do I have to offer an employer?”

If you can't answer this question in an interview situation you need more practice until you can. As an ex-offender, the more you understand what an employer wants, the better you will be able to highlight your best skills and abilities. This is the art of selling yourself.

What determines success in an interview?

Packaging (your resume, application, dress and appearance)	45%
Responsiveness (your facial expressions, verbal answers)	35%
Experience (demonstrating your match to the employers needs)	10%
Miscellaneous (mood and tone of the interview)	<u>10%</u>
You control 90% of the interviews' successful outcome	100%

The 3 Principles of Dress Code

1. Dress one step above the position you're seeking
2. People judge by first impressions
3. It's your choice: Look your best and reduce risks.

Objectives:

Learn what employers expect from an interview.
Prepare answers to frequently asked questions.
Practice interviewing skills.

Overview:

Non-verbal messages
Interview preparation
Typical phases of an interview
Incarceration speech
Think like an employer and anticipate their concerns, how you will respond.
Practice interview questions
Questions you may ask the interviewer
Thank you notes
Testing

Non-Verbal Messages

Eye Contact: Looking a person in the eye shows sureness, openness and honesty. Make brief eye contact with the interviewer. Keep your head up. Make occasional eye contact during the interview. Give back roughly the same amount of eye contact the employer gives you.

Voice: Your voice should be clear and loud enough to hear across the room. Practice speaking clearly, say your words carefully and use good grammar (*no* prison slang). Breathing deeply helps you feel and sound more relaxed. Drinking tea with lemon can help clear your throat.

Facial Expression: A slight smile and open eyes make you look smart, alert and friendly. Practice the look in front of the mirror. Use your face to show your best traits.

Posture: Walk tall, sit forward in your chair, hold your head up, keep your back and shoulders straight. Pretend there is a string from the clouds to the top of your head, holding your body in a straight line. Be aware of how you are sitting and standing, without being rigid.

Mannerisms: Be aware of nervous behavior you may fall into. Avoid tapping your fingers, playing with your hair, wriggling your feet, wringing your hands, etc. Use your hands to emphasize what you are saying, but don't be too wild with your gestures. Draw an imaginary box as wide as your shoulders from your neck to your hips. Hand gestures should stay inside the box.

Attitude: Your body language "speaks louder than words", telling the world how you feel. Watch people and think about what attitude you want to convey and practice using body language to give the message. First impressions are made in a few seconds and last forever. When you walk into an interview, the first thing an interviewer sees is how you look. The second is your handshake. Handshaking is a very important part of the interview. A good handshake is firm but not hard. Use your full hand to shake the full hand of the other person, not just your fingertips. The handshake should last about two seconds. Practice counting time-off "one-one-thousand, two-one-thousand" -- let go). If the other person lets go before that, it's OK, to follow their lead. Make eye contact and smile while shaking hands.

Preparing for the Interview**How you look:**

Be well groomed, neat and clean. How you present yourself reflects your pride.

Clothes: Clean, pressed and fit well; shoes shined and appropriate for the job.

Dress one level above what you think you will be wearing to work on the job. Avoid short skirts, tops that are low-cut or show the midriff, and excessively high heels.

Overall: Hair combed; fingernails clean; teeth brushed; freshly showered or bathed.

No heavy perfume or makeup; do not smoke before the interview, do not chew gum during the interview; avoid alcohol the night before. Feel sharp, be sharp.

Paperwork to take:

Resume, certificates and references.

Letters of recommendation and samples of your work.

Identification, Social Security card and other proof of citizenship.

Brochures on Washington State Bonding and WOTC employer tax credit incentive.

Study the Company:

Size: sales, profit, people.

Products: Types of products and clients.

Market: growth--strong/weak, seasonal/non-seasonal.

Company: how it's set up, other parts of the company, parent company.

Managers: who they are and their style as leaders.

Fund Base: public, private, government.

Competition: who else makes the same products.

Review:

Practice answering interview questions.

Know what the company is looking for.

Know what you want to say about yourself.

Practice shaking hands, making eye contact, and smiling.

Know your interests, skills and abilities.

Check directions and parking beforehand, if possible.

On Your Way:

Be early, go alone.

Eat a breath mint ahead of time.

Be able to pronounce the name of the person who you are meeting.

Relax: Breathe deeply; know you're prepared; and that you have good skills and abilities to offer or you wouldn't have been invited to the interview.

Once there:

Shake hands; greet the interviewer in a friendly manner.

Pay attention and establish eye contact.

Smile and be polite to everyone during the interview.

Typical Phases of an Interview

Many (but not all) interviews have natural stages they go by. Knowing these stages can help you be comfortable and ready as each step comes up.

Introductory stage:

- A brief hello and handshake.
- An attempt to help you feel at ease.
- Interviewer gives some general history and explains the job.
- A shared "first impression" happens.
- The interviewer has the lead.

Inquiry stage (the longest):

- Interviewer still has the lead.
- The questions asked are to find out who you are and what you are looking for.
- The interviewer is looking for what you can do for the company.
- Keep replies positive, short and right to the point.
- Refer to your past job successes, personal abilities and give examples.
- Watch for clues that reveal problems you can help solve.

Marketing stage:

- Applicant takes the lead - (you have about *one minute*).
- Show how your abilities and past work can help the company if you get the job.
- Deliver your incarceration speech.
- Explain what you can do for the company if you get the job.
- Show interest in the job - why you would like to work for this company.
- Ask the questions you have planned ahead of time.

Closure:

- Ask how they are going to choose the person that they will be hiring.
- Discuss the salary range of the job (*if it is brought up*).
- Plan your follow-up (arrange to call at a certain time, day, etc.).
- Let them know again - briefly and strongly, why you want the job.
- Thank them for the time and courtesy.
- Be aware of the time (don't stretch it out) and leave politely.

It's recommended you ***disclose your incarceration during the marketing stage*** of the interview by repeating your:

Incarceration Speech

There is something that you have the right to know:

In (year) _____, I made a mistake and was convicted of _____.

At the time my judgement was clouded by _____

...But I am putting that behind me now!

I admit that this was a serious error in my judgement and **I want to assure you that I have changed.**

Key Words saying how: _____

I worked while I was in prison as a _____ and learned how to:

Key Words: _____

There are some advantages you are eligible for if you decide to hire me.

1. I can be bonded up to \$10,000.
2. As an employer, you are eligible for a Work Opportunities Tax Credit (WOTC). You would be eligible to receive up to a \$2,400 federal credit for the first \$6,000 in wages you pay me.

I am aware that my past actions may cause you to question my judgement , but, **I am prepared to do whatever it takes to prove myself to be a reliable and capable employee.**

Key Words saying how: _____

The trick to answering this question is to: **Tell the truth!**

1. Accept responsibility for what you did: "I can't blame anyone other than myself for what I did."
2. Briefly identify one reason for your action: "I do know that the people I spent most of my time with influenced me a lot and I did what they all did...just to hang around them."
3. Limit the amount of detail that you give: "I know; it sounds simple, but there is not much more to it than that."

What can an employer ask about my doing time?

Almost everyone has some interest in knowing about the "other side" of life. The same may be true of interviewers. They're interested in an "inside look" at jail life. It makes great stories when they are talking to other people.

1. Indicate lack of fun: "I'm sure you understand that jail is not a place where most people want to be."
2. Simply state what a "working day" in jail is like. "I had to wake up at 5:30 each morning, if I wanted to eat. Then I prepared for work. After that, it was pretty much like any other job. I had to meet the production quotas, do good work and follow the directions of the supervisors...or else I didn't get paid or wasn't allowed to stay on the job."
3. Relate jail work to competitive work: In fact, a workday in jail/prison is not too different than a workday on the outside.

Prospective employers can inquire about arrests; whether charges are still pending, have been dismissed, or led to conviction of a crime involving behavior which would adversely affect job performance. Inquires concerning convictions or imprisonment will be considered to be justified by business necessity if the crimes inquired about relate reasonably to the job duties, and such convictions (or release from prison) occurred within the last ten (10) years.

CAUTION: Don't let the employer drag you into talking in detail or at length about what goes on in an institution. That is not the purpose of your interview session.

Keep your answers simple and clear (vague answers sound like you're hiding things)...

Keep your answers brief...

Keep your dignity.

What Did You Gain While Incarcerated?	What Did You Lose While Incarcerated?
a) Improved education, which will help you in your job	a) Access to and respect from your kids
b) A healthy respect for authority and rules	b) Trust from your family and friends
c) A genuine respect for other people's rights	c) Contact with your community
d) A better understanding of why you do things	d) Accomplishing personal goals
e) Increased ability to get along in pressure situations	e) Personal property (car, home, etc...)
f) Much more patience in handling problems, troubleshooting	f) Self esteem
g) Job related skills training	g) Money you could have earned working
h) Counseling that helped you change your behavior	h) Opportunity to enter certain types of careers
i) A desire to do what's right so you don't return	i) Ability to travel any where you want
j) Improved self-discipline	j) Right to enter the job market on your own terms
k) Renewed respect for the value of hard work	k) Sense of accomplishment

You May Have to Go Out on a Limb to Get the Job You Want, Be Honest.

1. **Indicate only the last conviction:** I committed a property offense...
2. **State the mistake and accept responsibility:** It was a mistake, but I did it and...
3. **Indicate sorrow for victims of crime:** I have been sorry for what I did to the victim(s) ever since...

4. **State that you learned something:** By committing the crime I lost my spouse and children, the trust of my family, my car, my home and much of my self-respect.
5. **State that you have learned something:** If there can be anything good to come from my crime, I would have to say that I did learn a lot about myself.
6. **Indicate what you learned:** I gained more respect for other people's rights. I learned how to follow directions and developed more self-control than I ever had before.
7. **Focus on the most important thing you learned:** The most important thing that I learned is that you have to work for what you want.
8. **State what you did to make the best of the situation:** While incarcerated, I took classes in carpentry, electricity, plumbing, dry walling and masonry so that I would have marketable skills upon my release.
9. **Relate your incarceration experience to work:** In fact, I was even promoted to foreman of the crew that did most of the in-house maintenance work.
10. **Indicate your need to earn your way back into the community:** I know that I am going to have to earn my way back into society and I am willing to do whatever I need to do that.
11. **Indicate your willingness to talk about things:** Don't hesitate asking me questions about my incarceration or why I did what I did. Even though it embarrasses me, you deserve to know as much about me as you want to know.

How do I know you'll go straight, or that the police won't be at my door?

There are never any guarantees when a person hires "anyone." This might be considered a loaded question and you have to handle this one with "class."

1. Indicate that you understand the employer's concern, "I can understand that you might be worried about this, I would be."
2. Compare yourself to other workers. "Aside from my having made a serious mistake, I am not much different than your other workers."
3. Point out that there are no guarantees in life. "I'm sure that when you hired some of your employees you thought that they might not work out... but they did, and that some of those you thought would work out, did not."
4. Indicate reasons for doing well on the job. "I do know that if I make an error or a mistake on the job, I pay a much higher price than anyone else."

5. Indicate that you are eligible for Bonding and the Work Opportunity Tax Credit (W.O.T.C.).
6. Tell them that talk won't prove it, though you've been open and honest. Then say: "Give me a chance, give me the job and I'll prove it to you in my work!"

What will the other workers think?

In preparing for this situation, there are three different tactics that you might use: confidentiality, hard work breeds acceptance, and a learning experience approach.

Confidentiality

One tactic is to try to keep the information hidden except from those who need to know, for as long as you can. The problem with this approach is that you'll probably have to isolate yourself from the rest of the workers. This might not do you much good and the other workers might see you as "stand-off-ish" or "stuck-up." The boss might also hire someone who knows the scoop on you.

To use this approach, you have to:

- 1. Request confidentiality:** "I would like to request that only the people who need to know, have information regarding my criminal history."
- 2. Gets the interviewer to commit to your request:** "Do You?"
- 3. Shows separation of job and social life:** "I plan on keeping the work I do and my social life completely apart."
- 4. Negotiate idea of a problem:** "I don't think that a problem should ever arise."
- 5. Show preparation in case it does come up:** " But I figure that if I do a good job, put in more than my fair share of effort, and help others, keep my mouth shut, and ears open, I'll be accepted by the other workers, even if they do find out."

Hard Work Breeds Acceptance

Another tactic is to assume that sooner or later someone is going to find out that you are an ex-felon. It is important that you try to do good work and develop good working relationships. Even though we can't determine how each co-worker and supervisor will initially react, we do know that if you do good work and get along with your co-workers, you will be accepted...sooner or later.

1. **Indicate that you understand the problem:** "I understand why you think this might be a problem."
2. **State knowledge of need of time:** "I know that it will take time to build trust and friendship."
3. **Stress relationship between good:** "I'm also convinced that doing good work and helping people in their jobs is one of the best ways to get people to like you, even if you made a mistake."
4. **Stress productivity:** "One thing you will get from me is a person who is trying to do their best and I am motivated to give my best, just to be accepted."

Learning Experience

A third tactic is to use the approach that your being hired will turn into a learning experience for all involved. We already know that people like to find out about "the other side of life" so we try to use that as a way to answer the question about what the other workers will think.

1. **Indicate you understand the problem:** "I can understand your worry about how other people will accept me and I'd worry about it too."
2. **Turn into a learning experience:** "But, also consider this an opportunity for everyone to learn..."
3. **Indicate what they'll learn:** "About the negative results" of crime and the price you have to pay for being on the other side of the law."
4. **Show what you'll learn:** "On the other hand, I know that I'll be able to learn about the company and job from them."
5. **Give question back to the interviewer:** "Doesn't this seem like a good opportunity for all considered?"

Other Problem Areas

Gaps in employment history: This answer depends on your individual circumstances. What it was that caused you to be unemployed. For example, "I was self-employed during that time" or "it took some time for me to recover from my injury, but I'm fine now and ready to go to work," or "I had a number of part-time jobs during that time-mostly seasonal, which I didn't bother to put down." See sections on emotional illness or jail/prison record for examples of possible responses for those reasons.

For women, there are a number of good explanations involving such things as "I was needed by my parents." If married, "I was raising my family," or "I was helping care for my grandmother," "I was babysitting," "I was doing housework for a relative."

Everyone who has been unemployed has been engaged in something. Put the best construction into your interview. If you have been traveling around and enjoying life, it is best to admit it, perhaps with a statement such as "I am ready to settle down to a good job."

The idea is to tell the truth, but to pick the most acceptable reason out of the several possibilities that the applicant may have, and use that one. The impression to give is that the individual was occupied with some meaningful activity even though he/she was not gainfully employed.

No recent work history: See the ideas listed above. It is important to convey that you are definitely eager to go to work **NOW!** Avoid the impression that you have been looking for work for a number of months, but no one would hire you. (No employer wants to hire someone all others have rejected!)

Have never worked: If you've just left school, this is not a big problem. Other examples: "taking a correspondence course," "working for neighbors," "helping on the family farm or business..." anything that suggests constructive activity.

The individual is telling the employer that he may not be able to learn academic things quickly, but that his performance will be consistent once he knows what to do.

The individual might also be able to say, "Because it does take me a little longer than most people to learn new things, I am satisfied with work that does not have a lot of variety." (a routine job). The individual tells the employer that he has recognized the speech problem, that he/she has had therapy, and does try to compensate for it by speaking more slowly. The employer is likely to understand that the individual would be nervous in an interview, and speech problems would be aggravated.

Younger than most on the job for which you are applying: "I know that I am only ____ years old, but I can learn a job quickly, and I'm interested in getting a steady job that I can keep for several years. This presents youth as an asset in being able to learn a job quickly. Anticipates employer's reaction (that he/she expects a young person will not stay on the job long), and counters this by saying that he/she is looking for a job that he/she will be able to keep for a long time.

Think Like the Employer

You can tell the employer over and over that you are the best person for the job, but the easiest and most believable way to show that you are is to prove it by giving examples. This exercise will help you get ready to answer the questions interviewers use most often to find out if you own these traits.

Look at the qualities listed below. Write down a few key words to remind you of when you have shown that quality in your past. Write enough to trigger your memory so that you can discuss it, if you need to.

1. **Willingness to take responsibility:** What things have you done to show what you can do and take initiative?

Key Words: _____

2. **Ability to handle conflict:** What have you done to resolve problems with others? How did you act in the middle of a conflict?

Key Words: _____

3. **Ability to speak clearly:** Are you able to group your thoughts and explain them? Are you brief and to the point? Are you a good listener? How have you shown this?

Key Words: _____

4. **Ability to bend - give a little:** Have there been new situations you've adapted to? How do you deal with stress?

Key Words: _____

5. **Problem Solving:** How you found good solutions to a problem? Have you learned your job duties quickly?

Key Words: _____

6. **People Skills:** When working with others as a team, have you worked as a follower, leader or both? How strong are you at dealing with others?

Key Words: _____

7. **Self-confidence:** You have strengths and abilities. What are your strengths and abilities? Can you tell someone what you are able to do?

Key Words: _____

8. **Job Skills:** Do you accept new ways of doing things easily? Have you kept all the skills needed to do your job?

Key Words: _____

9. **Willingness to accept new ideas:** In what ways have you shown your good will?

Key Words: _____

10. **Energy level:** Are you ready to work hard to reach your job goals?

Key Words: _____

Give Proof by Example

Nearly all interview questions need answers that show what you bring to the worksite. Some of the most often asked questions could be answered by sharing an example of how you handled a situation in the past job. Then link it to what you can do, or what you have to offer this employer. These types of answers generally begin with the words, "*I can...*", and "*Here's how I did...*" There are five simple parts that give body to your answer:

1. *Cite your specific example:*

"I have **handled conflict** in the past by..."

2. *Give details that would tell who, what, where, when and how:*

"...**Two of my staff** were both tasked with **putting in a new program**. They reached a point of **real conflict** over how one of the steps should be done and were not able to work it out. I helped settle the problem by **drawing a flow chart that helped with their plan**."

3. *Give numbers whenever possible to support your statement:*

"The **process** took approximately **30 minutes**."

4. *Show the positive results of your action:*

"The short time it took to walk through my **method** let those staff reach a **useful end on their own**. They were able to **keep going with their project, and used the method that I showed them** to work through their trouble spots. They **started the program a full week earlier** than planned because they had **learned a new way to arrange the plan**. "

5. *Show the employer the link between your example and how it applies to this position:*

"I know this position **needs a strong leader that is able to answer to** a bright, and capable team. I was able to **quickly settle conflicts while still teaching and guiding my staff.**"

On the next few pages are questions employers often ask, along with ideas and tips on how to answer. Since these questions are spoken, not written, it helps to make up key words for your answer. The key word notes in the examples have been bolded. Using your notes, practice your answers with a partner. *Review the interview questions on the following pages. Write your keyword answers in the space provided in each page.*

Employer's Expectations during the interview.

Everyone has certain expectations that they would like to have met. The same holds true for the employer. The employer is looking for (expecting) certain behaviors and responses during the interview process. It's on these expectations (the things he/she is looking for) that your interview will be judged.

Appearance:

Do you look like you belong in the job?

Is your appearance neat and clean?

Is the paper work you present (applications, resumes, work samples, etc.) neat and attractive?

Attendance and Punctuality:

Are you on time daily and stay for the full day?

Are you back from breaks on time?

Dependable and reliable?

Will you do the work appropriately?

Are you a trustworthy employee?

Can you admit mistakes and accept criticism and instruction?

Can the employer depend on you to help him in tight spots (like overtime)?

Are you a regular attending employee?

Are you willing to make some sacrifices for improved business performance?

Skills:

These are the things that you can do immediately to help the employer meet the needs of his business.

Abilities:

These are transferable skills. If you can type you can probably learn to work other machines that require manual dexterity. These are things that you can learn to do without much training time.

The Mechanics of job interviewing

1. The interview begins when you walk in the door.
2. Be there at least ten minutes early to compose your thoughts.
3. If the interview conflicts with something you must do that is really more important, it is perfectly okay to suggest another time.
4. Best time for interviews? Many people have suggested between 9:00 a.m. and 3:30 p.m. Tuesday, Wednesday, and Thursday are the best times and days.
5. First impressions are important, and more important when you are meeting a stranger.
6. The employer wants to talk to YOU. Do not take anyone with you to the interview (i.e., friends, boyfriend, girlfriend, children, and relatives).
7. Greet the interviewer by name (be certain you know it). Greet him/her with confidence. Look them in the eye and shake hands firmly.
8. Being nervous is okay. Take a few deep breaths. It often helps to be honest about it-even admitting it-to the interviewer. You will be surprised how quickly one's nervousness disappears once you have brought it up.
9. Watch your posture. Don't slouch, yawn, fidget, or display nervousness in any other way. Be aware of how you are sitting and what your hands are doing.
10. Actively listen. This serves at least two purposes: (1) it draws attention away from yourself and your nervousness, and (2) you will better be able to pick up clues from the interviewer on the things she/he says about the kind of person to be hired. You can use this information to describe yourself as that person.
11. Show proper respect for the interviewer. (If she/he introduces himself or herself as Mr. Jones or Ms. Jones, they are asking you to do the same. If they call themselves by their first name, such as Mike or Nancy, the same is true). Do not refer to them as "Mac", "Honey", or "Buddy".
12. Wait to be invited to sit down. If you are carrying a folder or briefcase with you, do not set it on the interviewer's desk. Set it next to your chair. Also, wait for the interviewer to begin the conversation. She/he may need time to organize your application and/or resume and remember who you are.
13. Answer all the employer's questions accurately, honestly, frankly, and promptly. Do not brag. However, you should use "I" in your responses. Use correct English and appropriate language. Speak distinctly, but keep your answers brief.
14. Do not rush your answers. Never interrupt the interviewer! Let them finish what they want to say. If you are interrupted, wait, and then return to the original point to finish what you want to say.
15. Avoid an argument with your prospective employer. If you disagree, drop it. This is not the time nor place to argue.
16. Avoid mention of your personal problems. The interviewer is interested in your ability, not your troubles. If you discuss problems and show you are desperate, it may sound as if you are begging for a job.

17. Be positive in all your answers. Even a negative experience can have a positive comment. You can turn a negative experience into an asset, and admit it by explaining how you have changed your ways.
18. Be able to verbally give a continuous record of all your jobs, dates of employment, supervisors' names, the exact nature of your work, and the reason why you left a job. This information, and how you give it, is very important.
19. When asked, be able to point out the value derived from training, work experience, unpaid work, hobbies and life experiences as they apply to the position you are seeking. Try not to discuss unrelated things.
20. Be able to give the name, address and position of three people (not related) that know you well as references for the job. Always ask a person if you may use them as a reference before you use their names. It is a good idea to have a copy of this information with you to give to the interviewer if she/he asks for it.
21. Be prepared to ask questions and to answer questions. It is perfectly okay to write out a list of questions to ask your prospective employer.
22. The interviewer will usually close the conversation. Be certain you have said and asked everything you wanted to before she/he begins the closing of the interview. The interviewer may say, "I will be interviewing the remainder of the week and I will call you then"; or, "Thanks for coming in. I'll let you know by phone or letter about my decision next week". Many of us simply say thank you and leave. DON'T!!! Use this standard "call back closing" for yourself. "I have some other interviews coming up and I may not be home if you call. May I call you back next Friday?" This is to insure that she/he doesn't forget about you and will be expecting your call to inquire about the decision.

Answer suggestions for "tough questions" asked in interviews

Why do interviewers throw in these unnerving questions? The questions are designed to show how fast you think, how well you handle pressure, and how concise and articulate you are. They are important, and if you are job searching, you'd be wise to arm yourself with impressive replies.

1. "What can I do for you today?"

Employers do not really want a straight answer to this question. They already know that you are applying for their job. Suggested responses should therefore tell the employer what the applicant could do for him/her.

"Well, actually I'm here to offer you something, and that's loyal and efficient work as an office clerk."

"I'm here to talk about your need for an experienced driver, and the experience and skills I have to offer."

2. "Tell me about yourself!"

This request is the opportunity to tell them about your skills. They are not interested in hearing a lot of details about your childhood days or personal life. Go straight to discussion of the particular job at hand!

3. "What kind of work are you looking for?"

Be as specific as you can with this particular employer. If you are applying for a specific job, say so. If not, you may want to say something like - "I, of course, want a job in which I will be able to produce for the company and grow along with it."

4. "Do you know anything about our company?"

Hopefully, you will have done some homework and will know something about the company. But if you don't, you should be prepared to say something other than "no", and indicate an interest in knowing more.

5. "Why did your last job end?"

It is not recommended that you lie. But, you don't necessarily need to tell the whole ugly truth if the whole story will turn the new employer off.

"I felt that my career potential was limited with that company, so I left to seek work with more advancement opportunities."

"I've relocated to this area."

6. "What did you like least about your previous job?"

Wants an honest answer. Reply in a positive manner. Never say anything negative.

7. "What did you like most about your previous job?"

Be specific. "I love organizing things" is vague, ineffective. Far better is "I enjoyed reorganizing the company's filing system - and my new plan resulted in fewer misplaced papers and greater speed in finding information."

8. "What would you say is your weakest point?"

Never admit to a real "weakest point", after all you are selling a product and that product is you. Instead, give the employer a strength, but call it a weakness.

"Well, my friends consider me to be a real stickler on punctuality. Even with casual social appointments, I always insist on being there on time."

"I suppose I'm somewhat of a perfectionist. Even when I've completed a large volume of work, I get upset with myself when something turns out not to be totally up to my standards."

9. "What are your greatest strengths?"

Accept this invitation to sell yourself by citing specific assets you know the employer desires. Interviewers like to hear abstract qualities-loyalty, willingness to work hard, politeness, and promptness-expressed in concrete terms. If you're good at putting people at ease, say so then illustrate by adding for example,

"Last year, my supervisor asked me to be the resource person for all new employees in our division because he said, 'So many of them had commented on my eagerness to help.'"

10. "What do you hope to be doing five or ten years from now?"

Indicate ambition and confidence in your abilities, but be careful not to appear to be threatening the employer's own job.

"I would hope to still be employed here in an advanced position which would take advantage of my knowledge, abilities and experience."

11. "Are you looking for permanent or temporary work?"

Answer this one to reflect what the employer is looking for. Remember that no matter what your plans may be, you cannot tell the future. Therefore, be careful not to unnecessarily eliminate yourself from consideration because of personal plans.

12. "What do you expect as a starting salary?"

Never mention a salary figure before the employer's range is known. To do so is to either overprice or under-price yourself. Once the employer mentions a figure, you agree with it. Negotiations, if there are to be any, should be attempted a couple of days later.

"I would be willing to consider whatever your firm usually pays new people in this position."

"I would be willing to accept whatever your company policy states."

13. "What was your last salary in your previous position?"

Try to convey that your previous salary has nothing to do with how you can perform in the assignment for the prospective employer.

14. "How much do you expect to be making five years from now?"

You never know what the value of money is going to be five years from now. Don't give a dollar figure. Talk in terms, perhaps, of being more interested in the satisfaction to be derived from the work to be done and the financial rewards will follow.

15. "Why do you want to work for us?"

Compliment the company. Tell them what you can offer.

16. “Why do you want this job?”

Compliment the company. Tell them what you can offer. Never, never, never, ... “I need a job.”

17. “Don’t you feel you are a little too old/young for this job?”

Rely on a past experience to support a “no” answer to this question. If too young, talk about energetic, enthusiasm, etc.

18. “With your background, we believe that you are over-qualified for this position.”

This is the time to really sell yourself. Show that your so-called over-qualification can be a plus for the new employer.

19. “Any objections to a psychological interview and tests?”

Answer should be, “No, I don’t mind. Hope it’s job related.”

20. “What is your philosophy of life?”

A “reaction type” question – interviewer is often “testing” for reaction. Turn question to your advantage. Answer somewhat job related. Keep it short.

21. “Will your former employer(s) give you a good reference?”

You may get around the bad reference by suggesting to the new employer who to call. Or, be honest. If the reference is negative, briefly explain.

22. “How did you get along with your former boss and co-workers?”

Never, never, never “bad mouth” a former employer or the people with whom you worked.

“Great bunch of people. We all got along just fine.”

“Well, I certainly have no complaints and I’m sure they don’t have any either.”

23. “How long did it take you to get here today?”

This is a disguised question. In response to any question or comment regarding your address or transportation, volunteer enough information so that the employer will be satisfied that getting to work on time is no problem.

24. “I’ve interviewed several people with more experience than you. Why should I hire you instead of them?”

You don’t know the other people so do not comment on them. Refer to the job candidate you do know (YOU), and find some indication of what the employer stands to gain by hiring you.

“I can’t speak for the others, but I can for myself. I can assure you that I always learn new assignments very rapidly”, and “I’m sure it would be very hard for you to find someone who could beat my eagerness and capacity for work.”

25. “What do you do in your spare time?”

Workaholics aren’t always the best employees, so this question is asked in hopes of hiring well-rounded individuals. Sam Adams, a senior personnel consultant for ASOSA Personnel explains, “In a sales job, for instance, ice is broken by sharing small talk on common interests or hobbies. That’s very difficult if the salesperson’s only interest is work.”

Wayne E. Calhoun, president of Professional Placement, Inc., adds, “Your answer gives you dimension. For example, if you like to play bridge, the interviewer might surmise that you enjoy other analytical activities.”

Highlight pastimes that would be an asset to the job you seek or that you may have in common with the employer. (If the employer has a picture of his/her family, you might say, “I enjoy spending time with my family.”)

26. “Are you applying for any other jobs?”

This is not a trick question! In today’s tight job market, no one expects you to apply to only one company.

27. Silence!

You’ve finished your answer and are awaiting the next question. Silence! Suddenly, you feel uncomfortable. To fill the void, you begin babbling an unprepared spiel.

Though it may seem difficult, you simply smile and remain silent. Interviewers often use silence to see if you can handle stress and still maintain poise.

28. Personal questions.

A lot of people who’ve been through the interviewing process report facing personal questions that don’t apply to the job and may be illegal to ask. How will you handle these?

You could tell the interviewer that the question is illegal or off-limits. But, this will likely antagonize them and leave you without a job offer. If you refuse to answer, you may never get that chance. The only exception is when you’re certain the answer will sour the interviewer’s impression of you. Don’t be afraid to say, “I’ve never been asked a question like that before. May I think about it for a minute?” The interviewer will respect your honesty and your habit of thinking before you speak.

Practice interview questions

Your qualifications, sample questions:

- "Can you tell me something about yourself?"
- "How are you qualified for this job?"
- "Why do you think we should hire you for the job?"
- "How does your work history relate to the job?"

Things to keep in mind when writing your key word answer:

1. At what point of the interview would this question be asked?
2. What skills is the employer looking for in your answer?
3. What employer need can you fit your answer to?
4. Can you answer by giving examples of what you have done as proof of your skills?
5. Tell me what you can do for the company based on your past jobs or schooling.
6. Cover three to five subjects; be clear and brief, bringing out your skills and knowledge.

Sample answer to "Can you tell me something about yourself?"

"I have **two years experience** working as a **cashier** in a small market. **I operated a computerized cash register, helped customers and stocked shelves.** I also **posted payments received** on private gas accounts. **I like working with the public** and take pride in the fact that I am always **friendly and polite** even when the market is very busy. My **cash receipts and postings always balanced.** The owners knew I was very **reliable** and I was often given **extra work** such as **making bank deposits** and **keeping cash drawer balance sheets.** I know that your store insists on meeting customer needs. **I listen well**, so I usually **know what customers are looking for** and **I enjoy solving problems.**"

Select one of the questions above and write a key word response. Pick the question you think would you be LEAST comfortable for you in an interview.

Your Accomplishments, sample questions:

- "What do you consider your greatest successes?"
- "Tell me two or three things that you have done well."
- "What are your greatest strengths?"
- "Describe a problem that you faced and how you solved it."
- "What are your weaknesses?"
- "What are the areas where you need to grow?"
- "Give me an example of a success that made you very happy, and why."

Things to keep in mind when writing your key word answer:

1. At what point of the interview would this question be asked?
2. What skills is the employer looking for in your answer?
3. What employer need can you fit your answer to?
4. What can you do for the employer? Answer by giving examples as proof of your skills.
5. If asked about "weakness" show how you've grown as a result of finding and fixing the issue.
6. Show personal responsibility.
7. When bringing out strengths, select at least three, all needed in the new job.

Sample answer: **"Give an example of a success that made you very happy"**

I am good at **seeing what needs to be done** and working out a way to make it happen. For example, **when I worked at a family restaurant**, I saw that it sometimes took a couple of hours to get the **replacement workers in when someone called in sick**. I suggested the **roster be posted** and that **workers sign in the times that were best for them to be called as a replacement**. This really **lowered the time-spent calling, 75% of the time a replacement worker was already in place when the shift started**. I know **your restaurant values** quick and efficient service for diners. That new roster made a big difference. Our **customers did not have to wait for service** due to our being short-staffed."

Select one of the questions above and write a key word response. Pick the question you think would you be LEAST comfortable with in an interview.

Your Career Goals, sample questions:

"Where do you see yourself in five years from now?"

"What are your short term and long range plans?"

"Why do you want to work for this company?"

Things to keep in mind when writing your key word response:

1. At what point in the interview would this question be asked?
2. What skills is the employer looking for in your answer?
3. What employer need can you fit your answer to?
4. What can you do for the employer? Give examples of what you have done as proof of your skills.
5. What have you learned in your study of the company that you really like?
6. Describe your goals as they fit the skills and duties of the job.
7. Show your ability to give to/work for the goals of the company.

Sample answer to, "Why do you want to work for this company?"

When I made up my mind to go into real estate sales, **I studied different companies** and their ways of going after home and business sales. I **talked to people who worked here and read reviews**. One thing I really like about your **firm is its integrity**. Your strength has been in **client gain, fairness and honesty**. You have been able to get high profits and not lower your standards. **My values are similar** to yours. I have **strong speaking skills**. As an **active listener**, I am able to find out a client's overall goal with a sale or purchase. Because of that **I know about the local market and working to meet my customers' needs**, I have **closed 50 deals** during the past year. I take pride in being a **top producer** and **upholding my steady integrity**."

Select one of the questions above and write a key word response. Pick the question you think would you be LEAST comfortable with in an interview.

Your people skills, attitude and personality, sample questions:

- "Do you prefer to work alone or with others?"
- "How would others describe you?"
- "Tell me about your past employers".
- "How well do you learn or take correction?"
- "What work did you do working as part of a team?"

Things to keep in mind when writing your keyword response:

1. At what point of the interview would this question be asked?
2. What skills is the employer looking for in your answer?
3. What employer need can you fit your answer to?
4. What can you do for the employer?
5. *(Give examples of what you have done as proof of your skills.)*
6. Focus on your abilities to get along with others.
7. Even if the work is a one-person job, the employer still wants to know if you can work on a team.

Sample answer to, "Do you prefer to work alone or with others?"

"I have the ability to work **both alone and as part of a team**. I think well, **stay on track by myself, and learn quickly**. My personal goals on the job are to **do the work well, and just the way it is needed**. I know that work on a production line **needs special skills, but I also have the ability to speak well** with others on the line. This keeps the flow of work up to the top level. **I also like working as part of a team**.

Last year, XYZ Co. began a **program of team growth**. The unit **I worked in worked together to set up a new system** that helped us **lower production time for the spindle widget**. The lesser time allowed a 10% increase in the number of spindle widgets being made. I learned from that experience, that **I am very helpful in a team because I can help put others' ideas into action**."

Select one of the questions above and write a key word response. Pick the question you think would you be LEAST comfortable with in an interview.

Money and benefits, sample questions:

"What kind of salary are you expecting?"

"How much did you make on your last job?"

"We usually pay new employees between \$8 and \$12 per hour. Does this work for you?"

Things to keep in mind when writing your keyword response:

1. At what point of the interview would this question be asked?
2. What skills is the employer looking for in your answer?
3. What employer need can you fit your answer to?
4. What can you do for the employer? (Give examples of what you have done as proof of your skills.)
5. Have you checked to find out the usual pay in the area for this type of work?
6. Do not state a money amount until they have actually offered you the job.

Sample answer to, "We usually pay new employees between \$8 and \$12 per hour. Does this work for you?"

"I am interested in the salary, of course, but **want to work for your company** for several reasons. Your company has been one of the **most solid in the field** for the last five years and has **regularly upgraded staff technical skills** and I like that. Based on **what I know about the job and this kind of work**, I was looking at a range of \$9.50 to \$13.00 per hour. It seems like our **ranges are pretty close**. I'm sure we'll be able to **reach a fair agreement**."

Select one of the questions above and write a key word response. Pick the question you think would you be LEAST comfortable with in an interview.

Your reasons for leaving and attitudes about your last job, sample questions:

- "Why did you leave your last job?"
- "Why have you been unemployed for so long?"
- "Why did you decide to change jobs?"
- "How did you get along with your last supervisor?"
- "What did you like most/least about your last job?"

Things to keep in mind when writing your keyword response:

1. At what point of the interview would this question be asked?
2. What skills is the employer looking for in your answer?
3. What employer need can you fit your answer to?
4. What can you do for the employer?
5. (Give examples of what you have done as proof of your skills.)
6. Give a positive light to your reason for leaving and the people you worked for.
7. If you were fired or left due to a bad situation, take responsibility for your own actions.
8. Let them know that you learned something from a bad situation.
9. Keep these answers simple, direct and honest.

Sample answer to. "Why did you leave your last job?"

"I'll be honest with you, **I was let go** from my last job for too many absences. I let a **personal problem take control of my work duties** and missed some days when I really should have been there. It caused **a lot of extra work for my coworkers**. I've called my supervisor since then and told him **how sorry I was for the mistake**. Going through that **taught me better ways on how to manage my personal life so that it will not hurt my work.**"

Select one of the questions above and write a key word response. Pick the question you think would you be LEAST comfortable with in an interview.

Behavior based questions of concern, sample questions:

More and more questions are being asked about how you would act in a given situation. It is the employer's way to test how you will answer to their common or unusual work events. It can fall under any of the question ranges already used, or it can be something that refers to a special field of work.

"How would you handle...?"

"What would you do if...?"

Things to keep in mind when writing your keyword response:

1. At what point of the interview would this question be asked?
 2. What skills is the employer looking for in your answer?
 3. What employer need can you fit your answer to?
 4. What can you do for the employer?
 5. *(Give examples of what you have done as proof of your skills.)*
 6. When you can, talk about like situations in your past. *(Give proof by example)*
 7. If you have never gone through a same type of situation, take a moment to think out what traits the employer is looking for, or hidden concerns he/she may have.
- Always remember to add your skills and how you would use them.

Example answers to: "What would you do if a good customer got upset over the phone?"

"That did happen to me when I worked as the bookkeeper for Hawkeye Medical Practice. An **elderly patient was upset** that she had gotten a **second billing** for something she thought that her insurance company had already paid. By the time the call was passed on to me she was frantic. She thought her insurance would not cover her and that she would have to pay the bill.

I listened carefully to her problem, answered her questions as well as I could, and agreed to look into it more for her. I told her that I would call her back, and I did. She was **much calmer** by the time the first phone call ended. **I looked into the situation** with the insurance company, I was **able to find an error** made by the insurance company and **got them to fix it quickly**. She sent me a thank you note. It took very **little time on my part, but I fixed the error and left a valued customer happy.**"

Select one of the questions above and write a key word response. Pick the question you think would you be LEAST comfortable with in an interview.

Possible interview questions to prepare for

1. Why did you choose your particular field of work?
2. What do you think determines a person's progress in a good job?
3. What have you learned from some of the jobs you have held?
4. How long do you expect to work here?
5. Define cooperation?
6. What types of people are difficult for you to get along with?
7. What jobs have you enjoyed the most? The least? Why?
8. What are your own special abilities?
9. What kind of supervisor gets the best performance from you?
10. Some people are short-tempered and impatient in their reactions. How would you describe yourself?
11. How do you feel about your career progress to date?
12. Tell me about your past job. What were your key responsibilities? What did you find most challenging?
13. What frustrates you about your job?

14. How many hours per day do you think a person should spend on his/her job?
15. What do you feel is an acceptable attendance record?
16. Do you arrive at work on time?
17. What do you think are your strengths? Weaknesses?
18. How did your supervisor treat others in your department?
19. What is unique about you?
20. What have you done that indicates you are qualified for this job?
21. Do you have any questions?
22. Describe your education as it applies to this position. What were the relevant courses and what did they entail?
23. How well did you do in school? In what areas were you particularly successful and in which areas were you less successful?
24. Would you describe your previous job in terms of the duties you performed? How would they relate to the position we've been discussing?
25. What types of computers, office machines, etc. do you operate?
26. What kinds of people do you generally encounter in your job?
27. Are these encounters generally positive and satisfying?
28. How much independence were you given on your last job? Tell me about how you used it?
29. What types of problems might you anticipate if you came to work in this department? How do you think you might deal with them?
30. What aspects of your job did you like the most? The least? Why did you want to leave that job?
31. What other questions do you have?

Questions you may ask the interviewer

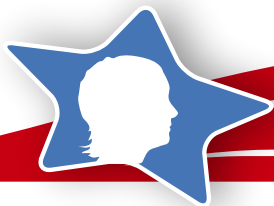
Most interviews will end with the employer asking if you have questions. This question is often used to determine how interested you are in the position, and how much thought you have given to the interview. Listen carefully to the employer's answers, you can learn even more about the organization you hope to join. Following are questions you can ask at the interview.

1. I understand this is a _____ position. Could you tell me a little more about what I'll be doing on the job? What is an average day like?
2. In general, what type of person does your company usually hire?
3. Where will I be working?
4. How do I compare with the other applicants you have seen?
5. When do you need someone to start work?
6. When do you plan to make your decision?
7. What is the hiring process here? Will there be a second interview?
8. Would it be possible to have a tour of the office or plant?
9. Have you interviewed inside employees?
10. How many people are you interviewing?
11. Who would be my direct supervisor?
12. Does this company offer any benefits such as medical insurance?
13. Are tools or specific uniforms required?
14. (If known) What is the salary range for this position?
15. May I call you? I will be seeking employment and would hate to miss your call.

Whenever possible, try to link your questions to topics that arose during the interview. For example: "Earlier, we discussed my short and long term goals. How do those fit in with the goals of your organization?"

Close the interview by asking for the job or a time when you can call back to check.

Working Ahead: A Guide for Connecting Youth Offenders with Employment Opportunities



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

CONTENTS

Introduction **Acknowledgements** **Disclaimer**

Chapter One: Overview

- Working with Youth Involved in the Justice System
 - Background: The Young Offender Initiative; Workforce Investment Act (WIA) and Young Offenders
 - How Is Working with Young People in the Justice System Different than Working with WIA Youth Customers?
 - Potential Barriers to Employment
 - Working with Young Offenders with Disabilities
 - Confidentiality
 - Political Representation and Prisoner Advocacy
- Differences Between the Juvenile and Adult Criminal Justice Systems
 - Background on Court Systems
 - Different Language
 - When Is a Juvenile Not Treated as a Juvenile?
 - Juveniles Tried as Adults
 - Parental Involvement
- What Works
 - Know the Labor Market and Relevant Employment Laws
 - Offer Pre-Employment and In-Training Services to Prepare Clients for Work
 - Provide Post-Employment Services to Promote Job Retention

Chapter Two: Know the Score

- Impact of a Criminal Record on Employment
- Taking Care of Business: The Criminal Record and How to Work with It
 - Getting, Reviewing and Correcting a RAP Sheet
 - Working to Overcome the Record: Expunging and/or Sealing Records, Conviction Set Asides, and Restoration of Civil Rights for Juveniles and Adults
- Criminal Background Checks
 - Employers who Fingerprint
 - Consumer Reporting Agencies
- Indicators and Assessments of Barriers to Employment
- Assessing Barriers to Employment
 - Learning Disabilities
 - Behavioral Health
 - Substance Abuse
 - Mental Health

Depression
Suicide
Abuse
Physical Abuse
Emotionally or Physically Abusive Relationship

Chapter Three: Career Planning

Restricted and Promising Industries
 Promising Industries that Meet Labor Market Demands
 Restricted Industries and Some Remedies
Completing an Employment Application and Preparing for an Interview
 Disclosure and Mock Interviews
 Answering Application Questions About Your Record
 How to Describe Time in Prison on a Job Application
 How to Describe Time in Prison and/or a Criminal Record in a Job Interview
Working With Employers
 Work Opportunity Tax Credit
 Federal Bonding Program

Chapter Four: Resources

Web Resources
 Non-Profit and Private for-Profit Resources
 Federal and State Agencies
 Funding and Grant writing Resources
Useful Publications
Glossary

Appendices

Common Legal Barriers ([AK](#), [AZ](#), [CA](#), [HI](#), [ID](#), [NV](#), [OR](#), [WA](#))
[Voting Rights](#)
[Programs that Work](#)
[States with Certificates or Restoration of Rights](#)
[Federal Bonding Program](#)
[Negligent Hiring](#)
[Work Opportunity Tax Credit](#)
[State Repositories and FBI Unit](#)
[Sealing or Expungement of Criminal Records](#)
[Employers Rights' to Information](#)
[Applications and Resumes](#)
[Interviews](#)
[Smart Solutions](#)



INTRODUCTION

Working Ahead: A Guide for Connecting Young Offenders with Employment Opportunities was designed for case managers and people, especially youth and young adults, involved in the juvenile or adult criminal justice system. When a person has been involved with the criminal justice system it can be more difficult to find work, but it is possible. We hope this guidebook will point readers in the right direction.

This guidebook was put together to specifically assist people living in Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington State, the States that are the Pacific-Western Region of the U.S. Department of Labor's Employment and Training Administration (Region 6 ETA). If you live elsewhere, please consult the National H.I.R.E. Network at <http://www.hirenetwork.org/> for other information and materials specific to your State. While our goal is to present accurate information, some information may have changed since publication (July 2004). Laws can differ greatly according to the jurisdiction and /or circumstances as well as change with each passing legislative year. Therefore, it is important to verify the information that may be critical to you.

ACKNOWLEDGEMENTS

This CD/guidebook was prepared with funding from the Pacific-Western Region of the U.S. Department of Labor's Employment and Training Administration (Region 6 ETA). Much of the information was researched and compiled by the staff of the National H.I.R.E. Network, a project of Legal Action Center, a non-profit law and policy organization. In addition, some of the content reflects the ideas, suggestions and approaches of many practitioners within youth development, workforce, and justice organizations. The primary partners who worked on this project were: Roberta Meyers-Peebles, Michelle Harrison, and Debbie Mukamal of the National H.I.R.E. Network (a national clearinghouse for information and an advocate for policy change); Caroline Hotaling and Livingston Sutro of G.R.A.P.E. (a community-based prevention coalition); Renee Lee of Cochise County Workforce Development (a rural workforce system); and Denise Fogleman of the Pacific-Western Region of the U.S. Department of Labor's Employment and Training Administration.

Youth, national employment technical assistance providers, and other local, State and Federal partners whose comments and suggestions improved upon it formally reviewed this guidebook. These include Stephanie Franzosa and Maria Candamil (TATC); Joyce Vail (Job Corps); Catherine Haynes (Region IV Development Association, Inc. Idaho); Rich Coleman of Corrections Clearinghouse (Washington); Rebecca Taylor, Ph. D.; and Sandra Waterhouse and Gloria Pennington of ETA. In addition, Steve Brown of KidLaw convened a focus group of high school students from Marshall Alternative School in Seattle, WA to provide suggestions for improving the readability and usefulness of this tool.



DISCLAIMER

The information contained in this guidebook is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a local community legal aid group for low or no-cost legal assistance.

The information, ideas, and approaches presented in this publication were developed by other public and private organizations and are not endorsed by the U.S. Department of Labor's Employment and Training Administration. They do not necessarily reflect points of view, opinions, or official positions of the U. S. Department of Labor. The ideas and strategies are presented solely for each case manager's and each organization's review, consideration, uses, and modification as needed.

Working Ahead: A Guide for Connecting Youth Offenders with Employment Opportunities

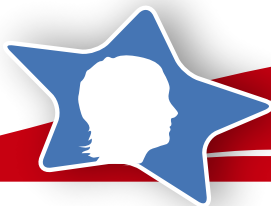


Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

CHAPTER ONE: OVERVIEW

WORKING WITH YOUTH INVOLVED IN THE JUSTICE SYSTEM

Nearly 400,000 youth entered the [juvenile] criminal justice system in 2000, according to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).¹ Between 1985 and 2000, the volume of adjudicated delinquency cases ordered to formal probation increased 108%. In comparison, the number of adjudicated delinquency cases ordered to residential placement increased 49% during the same period.² In dispositional hearings, juvenile court judges must determine the most appropriate sanction for delinquent youth. Disposition options include commitment to an institution or another residential facility; probation; or a variety of other dispositions, such as referral to an outside agency or treatment program, community service, fines, or restitution. Very often the court imposes some combination of these sanctions.³ So for example, a youth who was sentenced to probation may also have been removed from his/her home and remanded to a residential facility. Residential facilities are actually youth detention centers, correctional facilities, or shelters sometimes called group homes.

The types of crimes committed can vary from minor offenses like trespassing to more serious crimes that are drug related or involved violence or weapons. It is important to note that some less serious crimes are acts, such as truancy from school, which would not be criminal if committed by an adult. These latter acts are called status offenses, which are acts that are set by, authorized by, or punishable under a statute.

Youth who have been formally involved with the justice system, will ultimately become job seekers in the community. Experts who work with youth under court supervision are coming to realize that these individuals do not fit neatly into the United States' current educational and workforce systems because they usually need a more comprehensive set of services to remain a part of mainstream society. They often have little family support, mental health or substance abuse issues and/or educational deficiencies that require comprehensive and coordinated supports and services. It has been estimated that as many as 50% of incarcerated youth have identified special education needs.⁴ In addition, it has been determined that between 50 to 75 percent of incarcerated youth have diagnosable mental health problems.⁵ At the same time, there is a much higher demand for these services than there is a supply. There is also significant discrimination against individuals who have been involved with the justice system. All of these factors are potential barriers to employment, however, none of these barriers are insurmountable if workforce professionals and individuals who have criminal histories are given proper guidance and tools to increase and improve employment opportunities.

It is important to note that there are additional practical and legal barriers that will not be addressed specifically in this guide. However, you may obtain specific information about some of the most common legal barriers to reentry in the States within Region 6 by clicking on your specific State: [AK](#), [AZ](#), [CA](#), [HI](#), [ID](#), [NV](#), [OR](#), [WA](#). If you live in another State, visit <http://www.lac.org/lac/> to obtain relevant legal information about your State.

Before we provide practical tools to use when working to connect youth offenders with employment opportunities, we thought it was important to provide a brief summary of how the workforce system, as well as the criminal justice system, operates. It is important to have some background knowledge of both of these systems to successfully assist youth and young adults who have been court-involved in obtaining and retaining living-wage jobs.

BACKGROUND: YOUNG OFFENDER INITIATIVE

In 1998, Congress noted the need for a comprehensive and coordinated way of addressing “the severe problems facing out-of-school youth in communities with high poverty and unemployment and the inter-relatedness of poverty, juvenile crime, child abuse and neglect, school failure, and teen pregnancy.”⁶ This mandate called upon several agencies to collaborate to address the complicated issues facing young people. As a result, the U.S. Departments of Labor (DOL), Justice (DOJ) and Health and Human Services (DHHS) began working together to develop the Young Offender Initiative in an effort to assist local communities in helping young offenders, as well as youth at risk of becoming court-involved.

A primary goal of the Young Offender Initiative is to improve public safety by helping communities create networks focused on helping targeted youth remain crime free. To meet this goal, Young Offender Demonstration Project grants were awarded to communities to establish comprehensive programs that help youth complete and/or further their education, acquire vocational skills, obtain and retain living-wage jobs, and avoid rearrest. The grants were designed to serve young offenders, gang members, and at-risk youth ages 14 to 24. The Young Offender Initiative also provided resources to evaluate the programs, identify effective practices, and share these practices with other communities.

BACKGROUND: THE WORKFORCE INVESTMENT ACT (WIA) AND YOUNG OFFENDERS

Congress passed the Workforce Investment Act (WIA) in 1998 to replace the Job Training Partnership Act (JTPA) and to coordinate and streamline the delivery of workforce development services to adults and eligible youth. The funds come from the Federal government, and are passed to the States and then to local areas throughout the country to assist youth and adults in their communities obtain job readiness, training and job placement services. WIA youth funds cannot be used to provide services to just any youth; the vast majority of these funds (95%) can only be used to assist low-income youth between the ages of 14 and 21 who have a substantial barrier to employment such as: low basic literacy skills or being a school dropout, homeless, a runaway or a foster child, pregnant or parenting, an offender, or an individual who requires additional assistance to complete an educational program to secure and hold employment.⁷

Recently the Department of Labor (DOL) mandated that WIA programs work more with court-involved youth. What does this mean for case managers who serve youth with WIA funds?

We have learned from WIA-funded youth programs that also have received Young Offender Demonstration Project grants that case managers who have worked in employment services may be faced with learning new words and definitions like “adjudication,” “expungement,” “sex offender status,” and the differences between parole and probation. Case managers who are not familiar with working with court-involved youth will also learn that many jobs are inaccessible to people with specific convictions and that it can be harder to assist youth who have been or who are currently under court supervision with finding and keeping a job. Generally, these youth are faced with a multitude of barriers. Even so, success is achievable with thorough assessments, planning, preparation, and action.

HOW CAN WORKING WITH YOUNG PEOPLE IN THE JUSTICE SYSTEM BE DIFFERENT THAN WORKING WITH OTHER WIA CUSTOMERS?

Case managers must become knowledgeable and aware of the potential barriers to employment established by Federal and State laws and policies, and the industries that present more promising opportunities for these youth. In addition, a multitude of deficits must usually be addressed before some youth are ready to seek employment. Court-involved youth often require very unique considerations, especially when trying to determine the impact their criminal record may have on their employment prospects. Understanding these unique differences will better equip case managers in assisting youth in setting realistic career goals, as well as achieving them. Chapters 2 and 3 provide information about how juvenile and criminal records can impact career planning and steps that can be taken to improve the prospects for making a positive connection to the workforce.

POTENTIAL BARRIERS TO EMPLOYMENT

Due to Federal and State laws and regulations, as well as State licensing requirements, people with criminal backgrounds cannot be hired in some industries. These issues and some possible solutions to overcome them are described further in Chapter Two: *Know the Score*. In addition to legal barriers that impede young offenders' access to employment, there are practical barriers that often hinder their ability to find and keep a meaningful job. These practical barriers do not have quick fixes and will require additional case planning to find solutions. Therefore, case managers should be prepared to address these barriers during the beginning stages of developing the case management plan.

In general, when compared to their traditional WIA youth counterparts, court-involved youth are more likely to have the following additional barriers to employment:

- Homelessness, or inappropriate or inadequate housing (However, some States may require that youth under their supervision be in a group home or other supervised facility.)
- Weak or non-existent family support
- Mental health and substance abuse problems
- Limited job skills, employment history, and poor education
- Transportation issues (e.g. court-involved youth may have suspended or restricted drivers' licenses.)
- Limited soft skills including understanding the importance of punctuality and attendance, appropriate attire, the ability to accept criticism, working collaboratively, and work ethic
- An immediate need for income
- Unrealistic earning expectations (e.g. the participant may not understand or accept starting at a low wage and building up earning capacity based upon experience)
- Incomplete details or lack of understanding about their criminal history
- Other legal barriers resulting from a criminal record, such as ineligibility for public housing, Federal financial aid, or other forms of assistance.

On the other hand, when compared to their traditional WIA youth counterparts, court-involved youth may have access to additional supportive services through agencies and funding sources targeted to at-risk youth, youth with substance abuse problems, or youth with disabilities. This is largely because many youth involved with the justice system also have substance abuse issues or are disabled.



WORKING WITH YOUNG OFFENDERS WITH DISABILITIES

If a young person is diagnosed with a mental health condition, cognitive or learning disability, or physical condition that limits her or his life activities, s/he may be classified as disabled under State and Federal regulations. If a young person has been determined to have a chemical dependency, and has completed treatment and is no longer an illegal user of drugs, s/he may be qualified to receive services and accommodations for a disability. Many youth who are or have been involved with the criminal justice system fit into one or more of these categories. If qualified, they can receive a range of additional support services from vocational rehabilitation programs, justice, and behavioral and mental health agencies. Any school they attend is required by law to develop an Individual Educational Plan (IEP) that creates a learning program with additional supports such as individualized tutoring and in some cases counseling. They may also qualify for Federal Social Security Disability Insurance (SSDI). Disabled individuals are also protected from discrimination by Federal legislation such as the Americans with Disabilities Act (ADA), the Civil Rights Act, and the Federal Fair Housing Act.

For case management purposes, it is important to note that disability information, including all information related to disability-related inquiries, reasonable accommodations, medical examinations, testing, and voluntary disclosures is considered confidential medical information and, as such, should to be kept in files separate from case notes and only shared on a “need to know” basis with individuals who are authorized and have permission to receive this information.

CONFIDENTIALITY

Experience tells us that sharing too much information may sometimes damage a young person’s chances for a job or other opportunities; sharing too little information may sometimes do the same. Throughout any program, young people are required to share private information, and may choose to share more information on their own. They are also working with case managers, counselors, instructors, specialists, and court-appointed supervisors, who may all be recording even more private information about them. Confidentiality restrictions protect people from the disclosure of embarrassing personal information they may have revealed either by their actions or verbally, and from disclosure of information that might lead to discrimination against them, such as use of illegal drugs or mental health history. Protecting participants’ confidential information may also be necessary for their personal security, as well as their job security.

Not every partner who works with youth has to meet the same levels of confidentiality. In the justice system, there is a trend toward decreasing confidentiality for the sake of public safety. On the other hand, confidentiality requirements are increasing in behavioral health and residential programs. Regulations included in the Health Insurance Portability and Accountability Act (HIPAA) limits the way in which personal health information is disclosed.⁸ Health subjects include mental and behavioral health.

Confidentiality is also important because it enables people to seek services such as additional counseling without the fear of being stigmatized. If participants know that information is confidential from their peers or their teachers or others, they might be more likely to seek assistance when they need it in the sensitive areas of their lives. Young people assured of confidentiality can seek help without fear of disapproval or stigma, can confide with trust, and as a result, benefit more fully from any program.

Programs must, in every case, require that regulations are completely understood and followed by all staff that has access to information. There should be signed releases and Memoranda of Understanding that clearly state the exact information to be shared between partners and the necessity of the disclosure.

POLITICAL REPRESENTATION AND PRISONER ADVOCACY

There are many partners who assist people with criminal backgrounds. These include behavioral health systems, vocational rehabilitation providers, community colleges, public and alternative schools, housing agencies, homeless agencies, mentoring programs, community advocates, legal aid groups, and the list goes on. There are also several national networks that exist to advocate for, serve, and provide legal and other assistance to people involved with the criminal justice system, especially for prisoners. Some of these groups are listed in [Chapter 4](#) of this guide.

Youth with criminal histories, although in some cases not able to vote, do live in political districts and are represented by elected representatives.

Political representation of people with involvement in the criminal justice system is a complex issue. In part, this is because people who have been convicted of a crime sometimes lose their right to vote for some period of time. This varies from State to State. This lack of political power among people with criminal records can be frustrating for the workforce provider who may need support for a program from an elected official. Technically, when someone is in prison, the elected officials who represent the census tract where the prison is located represent him or her. However, when someone is in prison, it is the elected officials from their *home district* who, generally speaking, *see themselves* as representing those prisoners and their families, whereas the elected officials where they are incarcerated do not.⁹ When it is important to the individual, the family, or the service provider to receive support from an elected official, both the officials from the home district and the officials where the individual is incarcerated may be approached.

Can someone with a criminal record vote in my State?

See [Voting Rights](#) for the answers.

DIFFERENCES BETWEEN THE JUVENILE AND ADULT CRIMINAL JUSTICE SYSTEMS

Note: See the [Glossary](#) in Chapter 4 for definitions of words that may be unfamiliar.

It is not necessary to become an expert of the court system to work effectively with young people involved in it. What is necessary is to recognize that job opportunities for these young people may be limited due to the type of crime for which they were convicted or adjudicated, the accuracy of the official criminal history, and the amount of access an employer has to that history. Also, it is important to note that the juvenile and adult court systems provide very different opportunities for support to the individual. A brief discussion of the difference between the juvenile and the adult justice systems will help clarify these points. The next section will further explain what a job seeker and his or her case manager need to know about criminal records and their impact on employment.

BACKGROUND ON COURT SYSTEMS



In each State, the court or judicial system is usually separated into three divisions: (1) youth, juvenile, or family court; (2) criminal, municipal, or district courts; and (3) circuit or State supreme courts. The names of the court divisions vary from State to State. However, which court would handle a case that involves a youth is usually determined by the age of the defendant, the seriousness of the offense, and sometimes the location where the offense was committed.

The court systems were originally created to deal with adults who committed crimes. A court system for juvenile offenders, called the Juvenile Delinquency Courts, was started in the early 1900s. The States run these juvenile courts. The Federal government provides some funding for these courts and makes sure that they operate to meet certain standards.

While all courts exist to protect public safety, juvenile courts emphasize rehabilitation of the individual, rather than punishment. This is because they were developed with the idea that minors should not be treated as adults, even while they are held responsible for their actions. As a result, the adult and the juvenile court systems are very different. In some States, the juvenile justice system has more funding than the adult justice system for behavioral health counseling, employment readiness, education, and many other services.

Juveniles are granted the same Constitutional rights that adults have, such as due-process rights, the right to a trial, the right against self-incrimination, and the right to call witnesses. But in most States, juveniles being tried in juvenile court are not entitled to a jury and it may not be possible to avoid detention by posting bail, but juveniles do have the right to have their parents, guardians, and/or legal advisor present before answering questions. The privacy of juvenile offenders is strictly guarded. Most juvenile court proceedings are closed to the public and juvenile records are usually kept highly confidential. Under certain circumstances, juvenile records may even be cleared.

DIFFERENT LANGUAGE

The adult and juvenile justice systems use different language to describe similar situations. The language that is used also varies from State to State.

For example, in Arizona, adults are found guilty and convicted, while juveniles in the same situation are adjudicated. Adults undergo a sentencing hearing, while juveniles in the same situation undergo a disposition hearing. For more serious acts, adults are remanded to the custody of the State or Federal Department of Corrections, while juveniles in the same situation can be committed to the custody of the State Department of Juvenile Corrections. For less serious acts, adults are put on probation and put on supervision by a county probation department, while juveniles in the same situation (who are not committed to secure detention facilities) can be given orders of probation, which are then carried out by the county probation department. The phases of a delinquency case are usually: arrest, jurisdictional hearings, detention, pretrial motions/suppression hearings, adjudication, and disposition. Juveniles are entitled to legal counsel and are sometimes also provided a *guardian ad litem*.

WHEN IS A JUVENILE NOT TREATED AS A JUVENILE?

By Federal standards, anyone 17 years old and younger is considered a juvenile. However, States actually control whether individuals who are 17 years and younger go through the adult (criminal) or the juvenile court system in each State. Alaska, Arizona, California, Idaho, Hawaii, Nevada, Oregon, and Washington all use the juvenile court systems to address the acts of persons 17 years and younger. Other States set the age at 15 or 16. In Connecticut, for example, juvenile courts only have jurisdiction over people 15 years old and younger.

JUVENILES TRIED AS ADULTS

States have also passed laws that allow them to try juveniles as adults for more serious offenses. For example, in Arizona, the County Attorney's Office has a lot of influence in whether someone under 18 years of age is prosecuted as an adult or a juvenile. Someone 14 years and older can be convicted of a felony as an adult in Arizona for several reasons, including: if they have been convicted of any felony as an adult before, if the crime is particularly serious, or if there is a pattern of criminal behavior. Cases may be moved from criminal court to juvenile court and from juvenile court to criminal court, under certain circumstances.

Which States in Region 6 generally close delinquency hearings?

None of the States in the Region generally close delinquency hearings.

How many States in Region 6 open juvenile delinquency hearings but place certain restrictions on openness?

Four States in the Region open delinquency hearings to the public but place certain age/offense requirements on the openness of the hearing. They are Alaska, California, Hawaii, and Idaho.¹⁰

As of the end of the 2003 legislative session, which States in Region 6 require adjudicated juveniles to register as sex offenders under the State's sex offender registry law?

The following seven States in the Region required adjudicated juveniles to register as sex offenders: Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington.¹¹

What is the statutory exclusion procedure?

Under this procedure, a State legislature makes the decision to limit the jurisdiction of the juvenile court over offenders meeting certain age/offense/past record criteria. These excluded offenders are automatically tried as adults in criminal court once the prosecutor files charges alleging that an excluded offense was committed.

As of the end of the 2001 legislative session, how many States in Region 6 had statutory exclusion procedures?

As of the end of the 2001 legislative session, all eight States in the Region had statutory exclusion statutes: Alaska, Arizona, California, Idaho, Nevada, New Mexico, Oregon, and Washington.¹²

How have State laws governing criminal prosecution of juveniles changed in recent years?

A total of six States in the Region - Alaska, Arizona, California, Nevada, Oregon, and Washington - made substantive changes to their laws governing the criminal prosecution and sentencing of juveniles during the five-year period from 1998 to 2002. In general, the changes tended to expand the reach of these laws. Four States - Alaska, California, Nevada, and Oregon - expanded their transfer laws in some way from 1998 through 2002. By far, the most comprehensive movement in this direction took place in California, where Proposition 21, approved by voters in March of 2000, not only added a number of broad new categories of juveniles eligible for prosecution in adult criminal courts, but also established entirely new direct file and exclusion mechanisms for initiating such prosecutions.¹³

As of the end of the 2001 legislative session, how many States in Region 6 have "once an adult/always an adult" provisions?

As of the end of the 2001 legislative session, the following seven jurisdictions in the Region had "once an adult/always an adult" provisions: Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington.¹⁴



What is the "once an adult/always an adult" procedure?

Under "once an adult/always an adult" provisions, if a juvenile originated in or was transferred to criminal court he or she is forever after excluded from juvenile court jurisdiction. In most States, a felony conviction in criminal court is required.¹⁵

What is the "reverse waiver" procedure?

Reverse waiver is a procedure that allows a juvenile transferred to criminal court the right to contest or challenge the transfer decision on the basis of his or her unfitness for the criminal

justice system. According to this procedure, the juvenile bears the burden of proof to establish that it would be in the best interests of the public or the juvenile to try the case in juvenile court.

As of the end of the 2001 legislative session, how many States in Region 6 had “reverse waiver” provisions?

As of the end of the 2001 legislative session, four States in the Region had “reverse waiver” provisions which can potentially mitigate the effect of statutory exclusion, concurrent jurisdiction or mandatory waiver provisions: Arizona, California, Nevada, and Oregon.¹⁶

PARENTAL INVOLVEMENT

Parents, legal guardians, or custodians are an important part of juvenile court. Studies show that when a parent goes to a diversion meeting or comes to court, the juvenile has a better chance of staying out of trouble in the future. Legally, parents and guardians are involved in three key ways: (1) juvenile courts provide youth with the right to have their parents and legal advisor present before answering questions; (2) in some States, parents/ guardians are required to provide housing for youth who are on parole/probation; and (3) in many States, parents/ guardians are legally responsible for their juvenile’s fines, including victim restitution, and court reimbursement.

WHAT WORKS

Next are some tools and strategies for case managers to use to effectively meet the employment needs of youth with criminal records. It is helpful to know about some of the practices of successful programs that work with participants with criminal records and their most effective strategies for serving employers and their participants. We have summarized some important information to consider when providing employment services to people with criminal histories. Many of the suggestions noted in this section are discussed in further detail in later chapters when we discuss applying these strategies to practice. We have included descriptions of some programs that are successfully working to employ people with criminal records around the country and who all have their own program structures that work. See [Programs that Work](#) for descriptions and contact information.

KNOW THE LABOR MARKET AND RELEVANT EMPLOYMENT LAWS

1. Become familiar with Federal and State laws that affect the employment of people with criminal records. This includes knowing which jobs have legal bars to people with certain kinds of criminal convictions (i.e. violent or drug-related) and what can be done to lift those bars.
2. Ensure that job seekers with criminal histories and case managers know individuals’ legal rights and obligations. Make sure they are familiar with the kinds of questions employers may ask on job applications and in interviews as well as how to respond appropriately.
 - a. Some States have laws that limit how and under what circumstances an employer may consider an applicant’s criminal record. Some States have also tried to allay the stigma associated with criminal histories by allowing people with criminal records to seal or expunge their criminal records or to seek other similar means of restoring civil rights or removing occupational bars. Three States in this Region offer certificates or similar means to removing occupational bars or restoring civil rights, Arizona, California, and Nevada. See [States with Certificates or Restoration of Rights](#).



- b. Under the Equal Employment Opportunity Commission's (EEOC) Title VII guidelines, an employer may only exclude an applicant because of a criminal conviction if there is a business necessity. To establish business necessity, the employer must show that three factors were taken into consideration in the hiring decision: the nature and gravity of the offense(s); the time that has elapsed since the conviction and/or completion of the sentence; and the nature of the job held or sought.

For example, business necessity exists where the applicant has a fairly recent conviction for a serious offense that is job-related. If you have a client who was arrested, charged as an adult, and found guilty of grand larceny in 2002 and he wants to work as a stock clerk in a department store in 2004, an employer may have legitimate concerns about hiring this person due to the nature of his record and the fact that he may have unsupervised access to valuable merchandise. There may be a legitimate risk for the employer.

A 2002 National Retail Security Survey reported that inventory shrinkage, a combination of employee theft, shoplifting, vendor fraud and administrative error, cost United States retailers over \$31 billion in 2001 according to the latest National Retail Security Survey report on retail theft, which analyzed theft incidents from 118 of the largest U.S. retail chains.¹⁷ However, a solution to this problem may be to utilize employer incentives that will minimize risk such as the [Federal Bonding Program](#).

- c. Recognize and respond to the legitimate concerns of employers. Many employers fear they will be liable if they hire a person with a conviction record who later commits a new crime. Performing quality screening and referring appropriate job applicants can significantly reduce employers' risk of liability. Inform employers about the Federal Bonding Program and how it can help protect them from employee theft. In addition, case managers should know about reducing the risk of [negligent hiring](#) for their own protection as well as for the protection of the employers with whom they work.
3. Job applicants should answer application questions regarding their criminal histories completely, directly, and honestly. A job application is considered a legal document. Omitting criminal record information can be construed as lying and leaves the applicant open to being fired when the employer finds out about undisclosed information. Counsel applicants to read all questions carefully and always answer truthfully.
 4. Identify both employers who will hire individuals with criminal records and those who are barred by law from hiring employees with criminal backgrounds. Distinguishing between those employers who are not permitted to hire people with certain kinds of criminal records will help you make more appropriate job referrals for your clients. Keep in mind that some employers prefer to simply be known as a "fair employer" as opposed to being an employer who hires individuals with criminal records. Therefore, avoid labeling or categorizing employers who are fair as "employers who hire ex-offenders."
 5. Use job placement staff who are familiar with the culture of local employers (e.g. have worked in target professions or know employers and/or hiring staff).
 6. Emphasize the financial incentives employers can accrue when they hire qualified applicants with criminal histories. Assist employers in securing [Federal Bonds](#) and/or taking advantage of the [Work Opportunity Tax Credits \(WOTC\)](#) and training funds available through the Workforce Investment Act (WIA) or other funding sources.

OFFER PRE-EMPLOYMENT AND IN-TRAINING SERVICES TO PREPARE CLIENTS FOR WORK

1. Connect with transition programs inside and outside detention centers, jails or prisons so youth who are detained are connected to the community before they are released. Facilities may be run by Federal, State or local entities that most likely have staff who are responsible for providing transitional services. While a juvenile is in an institution, that institution can pull together copies of social security cards, birth certificates, transcripts, assessments, and other essential documents. Once they are released, an underage youth may not have the legal authority to request their personal documents so copies may be inaccessible or get lost and it will take a lot of time to gather or request these documents. Do not assume that the justice system will provide copies of these documents without a formal request. These documents will be necessary in order for them to enroll in school and/or apply for jobs.
2. Once out of the institution, help clients review and “clean up” their rap sheets and credit reports. An increasing number of employers rely on background checks to probe an applicant’s criminal history. Some employers may obtain criminal record information directly from the State’s criminal repository of criminal records or through a consumer reporting agency or private background investigating company. Inaccurate or very old information, as well as information on arrests that did not lead to conviction may give an unnecessarily negative profile of the job applicant. [State Repositories and FBI Unit](#) explains how to get a copy of a rap sheet and the process for clearing up any mistakes that may be on it. Being familiar with a client’s complete criminal history will also help in making more appropriate job referrals.
3. Help clients develop realistic short- and long-term career goals. For example, a short-term goal might be focused initially on job retention in a living-wage job in a client’s field of choice, particularly for clients with episodic work histories. A long-term goal might be more focused on education, training, or a certificate needed for advancement in the client’s field of choice.
4. Ensure clients get “soft skill” training, including understanding the importance of punctuality and attendance, appropriate attire, the ability to accept criticism, working collaboratively, and work ethic.
5. Provide immediate income while preparing and training clients for employment through stipends or paychecks that may cover transportation costs (at a minimum). Payment is usually an incentive for participants to attend and stay in compliance with the program.

PROVIDE POST-EMPLOYMENT SERVICES TO PROMOTE JOB RETENTION

1. Provide or link clients to the support services they need to help them retain employment, including addressing child support issues, alcohol and substance abuse problems, housing, child care, and transportation. Behavioral health providers, prevention providers, city and county court systems, probation departments, anti-gang groups, and the community at large all stand to gain by keeping youth out of the court system. Government agencies may have a particular stake because of rising court, jail, and prison costs. Increase networks with mental and behavioral health service agencies. Especially if there is no separate behavioral health services budget, leveraging these services can dramatically influence a client’s job retention.
2. Provide post-placement and follow-up services that include crisis intervention, continued support and career advancement guidance.



3. Form collaborations with other entities that can enhance and support successful workforce development services. Become an active partner in your local community and social service coalitions. Build relationships with other Federal, State and local programs that provide job training and vocational rehabilitation. These can include State TANF (welfare) agencies, community colleges and universities, public and charter schools, vocational technology programs, and even behavioral health providers who are providing vocational programming.

Many court-involved youth have disabilities that may qualify them for additional vocational assistance and working together with a partner may increase the chance for successful job placement for the individual. Find out what resources exist in the State and local community. Especially since youth involved in the criminal justice system tend to move a lot, helping them understand how to connect to the workforce and/or behavioral health systems can enhance the supports available to them if they move to another area.



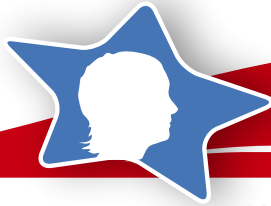


Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

VOTING RIGHTS

ALASKA

A person convicted of a felony involving moral turpitude who is incarcerated or on probation or parole is ineligible to vote until s/he has completed his/her sentence and been unconditionally discharged. Alaska Stat. §§ 12.55.185, 15.05.030 and 33.30.241. board from considering the facts underlying the conviction. Executive Clemency in Alaska, available at <http://www.correct.state.ak.us/corrections/Parole/clemencyhandbook.pdf> (Aug. 10, 2002).

ARIZONA

Individuals with felony convictions may vote upon restoration of civil rights. Because first-time offenders' rights are restored automatically upon completion of sentence, their right to vote is also automatically restored. People convicted of two or more felonies may apply for restoration of civil rights, and therefore the right to vote, upon completion of probation or discharge from prison. Ariz. Const. art. 7, § 2(C); Ariz. Rev. Stat. §§ 13-904, 13-905, 13-906, 13-912 and 16-101.

CALIFORNIA

People who have completed their sentences or who are on probation have the right to vote. However, people who are incarcerated or on parole following felony convictions are ineligible to vote. Cal. Const. Art. 2, § 4; Flood v. Riggs, 80 Cal.App.3d 138, 155 (1978).

HAWAII

Individuals convicted of felony offenses may vote upon completion of the sentence or while on probation and parole. Individuals incarcerated for a felony may not vote. Haw. Rev. Stat. § 831-2(a).

IDAHO

Individuals convicted of felony offenses may vote upon restoration of civil rights. Civil rights are restored automatically upon completion of the sentence. Incarcerated individuals and those on probation and parole may not vote. Idaho Code §§ 18-310(1) and (2).

NEVADA

Persons with a criminal record may vote after their civil rights are restored. Nev. Const. art. 2, § 1. An individual may apply for restoration of his civil rights once he has served his sentence and been released from prison, or six months after being granted an honorable discharge from probation or parole. Nev. Rev. Stat. §§ 213.157 and 176A.860.

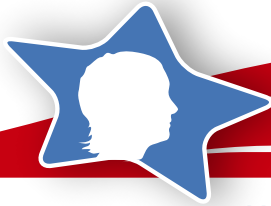
WASHINGTON

Individuals incarcerated following felony convictions may vote upon restoration of civil rights. An individual's civil rights are restored upon receipt of a certificate of discharge. Certificates of discharge are granted upon completion of all sentencing requirements. In addition, if an individual is not convicted of a violent or sexual offense and is sentenced to community supervision, s/he may apply for a certificate of discharge upon completion of at least one-half of the term if all other sentencing requirements have been met. Wash. Rev. Code § 9.94A.637. The Clemency and Pardons Board may also certificates of restoration for the right to vote. Wash. Rev. Code § 9.94A.885(2).



Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

Excerpt from [After Prison: Roadblocks to Reentry](#). This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

CHAPTER TWO: KNOW THE SCORE

IMPACT OF THE CRIMINAL RECORD ON EMPLOYMENT

The impact that a juvenile record may have on employment depends on several factors. If a minor was tried in the adult court system, he or she will suffer the same consequences and legal barriers that affect adults. If a minor was tried in the juvenile court system, the barriers are different. This chapter provides information about rap sheets, how to get them and review them, as well as the affect a criminal record could have on employment. It is important to get to know your State's court system as well as the accessibility of criminal records. It is important to partner with a local probation department, public defender's office, Legal Aid or Legal Services organization, or other group that understands the court system. It may be the easiest and most reliable way to get this information.

TAKING CARE OF BUSINESS: THE CRIMINAL RECORD AND HOW TO WORK WITH IT

The criminal record is an integral part of a person's history that can affect employment opportunities. Therefore, it is important to know some basic information about how criminal records are formed and its relevance to employment searches.

What is a "rap sheet"?

Anyone who has ever been arrested and fingerprinted, probably has a State "rap sheet." *Rap* sheet is an acronym for record of arrest and prosecution. It is a report of arrests and the outcomes from each arrest (dispositions) for adults and in some cases juveniles that is maintained on a criminal record database system.

The State agency that keeps all criminal record information is called the *central repository*. Each State has its own designated agency that is responsible for collecting, pulling together, and giving out criminal history information. For instance, in Arizona, the Criminal History Records Section (CHRS) of the Department of Public Safety (DPS) serves as the State's central repository or clearinghouse for criminal history information. Criminal justice agencies within Arizona are required to report arrest and disposition information to the repository. Only authorized individuals/agencies, such as police or corrections agencies and some non-criminal justice agencies, can gain access to this information and not just for criminal justice purposes.¹⁸ However, some of those non-criminal justice agencies that can get access to information are limited to only receiving adult arrest and conviction records for all misdemeanors, felonies, and domestic violence offenses (but not traffic arrests).¹⁹

Each State repository only tracks arrest and disposition data relevant to its own State. In other words, criminal cases from another State or Federal cases will not appear on that State's rap sheet. It is likely that the repository may note that a person has a match to the National Crime Information Center (NCIC), which indicates the person may have a record in another State. In addition, the Federal Bureau of Investigation (FBI) also maintains rap sheets and, if an individual has any State rap sheet, it is highly likely that the FBI has a record of that person as well, because each State repository forwards information to the FBI.

Rap sheets are often incomplete and sometimes contain mistakes that could hurt the individual if seen by an employer. Therefore, individuals should get a copy of the rap sheet to ensure it is completely accurate. It is also helpful to review a rap sheet to prepare for any questions an employer might have and to make appropriate job referrals.

Why do charges show up on my criminal history when I never went to court or charges were never filed?

In most States, criminal records are based upon fingerprinting at the time of an arrest or as a result of a summons. In Arizona, for instance, all fingerprinted charges/arrests that are submitted by law enforcement agencies to the Department of Public Safety will become part of a criminal record, whether the individual was convicted or not. In many States, employers can ask about and consider arrests that did not lead to convictions in making hiring decisions. It is important for the individual to know if this is true for his/her particular State because this means that employers can use arrest information without regard to the disposition. (For a more complete discussion of whether an employer can ask about or consider arrests that did not lead to conviction, see [Chapter Three: Career Planning](#).)

How long will charges remain on my record?

Most States retain criminal history information for a lifetime. For instance, in Arizona, charges for any type of crime will remain on a person's rap sheet for 99 years. In very limited circumstances, a person could get a record expunged.

To learn if sealing or expungement is available in your State, click [Sealing or Expungement of Criminal Records](#).

How can I access my rap sheet?

In most instances, if the individual wants to access his or her rap sheet he or she should contact the State's central repository directly. The process for record review varies in every State. There may also be a fee. The subject of the record is entitled to review his/her rap sheet. However, he or she may have to submit fingerprints in addition to filling out a request form. See [State Repositories and FBI Unit](#) for the list of Region 6 State repositories or visit the "Resources and Assistance" section of the National H.I.R.E. Network's website (<http://www.hirenetwork.org/>) to locate contact information for your State's criminal record repository and learn how to obtain your State rap sheet.



Can anybody get a copy of a rap sheet?

As mentioned before, criminal justice agencies have access to criminal record information and can usually obtain it without the consent of the record holder, but some States restrict public access to rap sheets. Each State has its laws on access to rap sheets. This is particularly true for employment or occupational licensing purposes. In Arizona, for instance, individuals who require a criminal background check for employment, licensing, or volunteer work must go through the applicant fingerprint process. The applicant must authorize the review of the record for the company or agency that wants the information. This process requires fingerprint submission and the signing of a user agreement with the employer and the Department of Public Safety. If an employer or agency tells the individual that he or she needs a fingerprint

clearance card to work for agencies within Arizona, he or she can contact the Applicant Clearance Card Team at DPS.

At the Federal level, the FBI can provide a national check or clearance to employers for certain Federal jobs.

How do I review and correct a rap sheet?

Once an individual becomes familiar with his or her criminal record, s/he should try to clean up any mistakes that appear on the State and FBI rap sheets. Some common mistakes are arrests with no dispositions, erroneous or incomplete sentencing information, and duplication of entries (which may make one arrest and conviction appear as several), or a case that may have begun in adult court that was ultimately resolved in juvenile court and is not supposed to be on the rap sheet. Such errors or omissions may make the individual's record appear more serious than it really is. Keep in mind that each State's central repository has its own procedures for correcting mistakes on a criminal record file and that the process for cleaning up a mistake may take time. It is best to begin the process as soon as possible. If the individual finds errors in their Federal records, they should contact the agency that reported the information to the FBI.

Once someone has a criminal record, can anything be done to get rid of it?

States offer a range of options for suppressing or eliminating a criminal record which can be called "sealing," "expunging," or "purging" a record. Each State, however, has a different process and differing criteria as to what dispositions can be sealed or expunged. "Sealing" technically means that access to a criminal record is limited but the record is usually not erased or completely destroyed. On the other hand, "expunging" technically means that the record is completely destroyed. Keep in mind, however, that some States use the terms sealing and expunging interchangeably so it is important to find out what a particular State allows a person to do about his or her record and also to find out the effect of having the record sealed or expunged.

For the most part, States do not permit arrest and conviction records and juvenile information to be permanently destroyed. The State may allow the information to be kept confidential (juvenile records, for instance) or to restrict who has access to it by sealing it, but States ordinarily do not completely destroy a record. In most instances, the individual will have to demonstrate a need for the expungement (e.g., restoration of civil rights). Often States will require some demonstration of rehabilitation, such as no subsequent arrests or the payment in full of fines and fees, prior to granting an expungement. The individual needs to investigate what is available and required in their particular State by calling an attorney or checking with the State repository.

The granting of "pardon" or "clemency" from the Governor is another avenue that some individuals pursue to clear up their records. A pardon means that the effects of a conviction are partially or fully lifted. Arizona and other States also have executive branch pardon procedures.

It is important to contact an attorney, the local Bar Association, a nearby law school clinic, the State Attorney General's office, or the central repository to find out: (1) what from a person's rap sheet can be sealed or expunged; (2) what the process is; and (3) the effect of a sealed or expunged record. In most States, arrests that did not lead to a conviction and juvenile adjudications can be sealed, but in most States misdemeanor and felony convictions cannot. In many cases, if a record has been sealed, the person can deny its existence if asked about it on a job application, but again, this varies by State.

For example, in Arizona the individual should contact the court that handled the case to find out the procedure for sealing a record. Sealing a record in Arizona only means that access to the criminal record in the courthouse is limited, but not erased or destroyed. The State of Arizona does not have an expungement law. However, a person can get a conviction "set aside" in Arizona.



Does my State expunge or seal criminal records?

See [Sealing or Expungement of Criminal Records](#) for the answers.

The court sealed my record. Why do I still have a criminal record?

As mentioned before, sealing can mean different things. It may only limit access to the record in certain places or to certain people. For example, the record may not be available in the court but it could still be available from the central repository or vice versa. When courts seal records, they follow what is required by the relevant State law. In general, most records maintained by courts are considered public records. When the court seals its records, it usually means the public cannot access that particular case from the court clerk's office. Depending on the State, the sealing of a record by the court may or may not have any bearing on what appears on the individual's criminal history in the central repository. Moreover, if a record is sealed, it may mean that certain agencies, as well as the subject of the record, still sees the entire record, including sealed and non-sealed information.

In Arizona, for example, criminal records maintained by the Department of Public Safety's Criminal History Review Section (DPS CHRS) are restricted to authorized individuals and agencies – they are not public records – in accordance to State law. A court may order the DPS CHRS to change/delete certain criminal information. For example, if the court determines that a person was a subject of a wrongful arrest and/or conviction, it can order that the arrest/disposition be purged out of the Arizona computerized criminal history system.

In Washington State, different entities may obtain different levels of criminal history information. The public may obtain without restriction conviction records and criminal history record information pertaining to an incident for which a person is currently being processed. Other individuals and agencies may obtain access to a broader range of records for research, evaluative, and statistical activities and other lawfully authorized purposes.²⁰

Is there a way to get a conviction “set aside”?

Some States without expungement procedures allow you to “set aside” a conviction. A person may apply for a conviction to be set aside by contacting the court where s/he was originally sentenced. The law calls this “setting aside judgment of guilt.” The criminal record is modified to delete any reference to the type of disposition (felony or misdemeanor), fines, and sentencing type/time. In the case of Arizona, additional wording in the criminal record is indicated to show that an offense was “vacated per Arizona statute 13-907.” Once the conviction is set aside by the court, the individual can legitimately and honestly deny the existence of the conviction for that offense.

Is it possible to get civil rights restored?

Depending on the conviction and the State laws, people may lose some of their civil rights including the right to vote or the opportunity to serve on a jury or the right to possess firearms or hold public office. The restoration of civil rights varies from State to State. Some States grant the restoration of civil rights automatically after successful completion of probation or absolute discharge from prison on the first offense, but require the individual to apply for restoration of civil rights for every subsequent offense. Other States require the individual to apply for restoration of civil rights after a specific period of time has elapsed from the date of their last conviction. The individual should check with an attorney or the local probation/parole agency to determine the application process for a particular State. See [States with Certificates or Restoration of Rights for your State's information](#).

In Arizona, for instance, civil rights are automatically restored following absolute discharge from the Department of Corrections or completion of probation after the first felony conviction. After subsequent felony convictions, civil rights may be restored by applying to the Clerk of the Superior Court where the sentence originates. For multiple Federal convictions, the



individual may apply to have his/her civil rights restored with the Superior Court of Arizona in the jurisdiction where the individual lives. The sentencing judge or his/her successor will order an investigation and report and, if s/he deems it appropriate, civil rights can be restored.

CRIMINAL BACKGROUND CHECKS

Pre-screening prospective employees has truly changed in the 21st Century. It used to be that employers only checked to verify employment history and education. Now, criminal record investigations are often the primary consideration before anything else is considered. More and more employers are conducting criminal background checks. Although many employers do not have the right to fingerprint their job applicants, they have other means of getting access to an applicant's criminal record.

Criminal record information is increasingly easy to access on the Internet for free on some States' official websites or for a fee through a private company. This means that anyone – from an employer with a legitimate interest in evaluating an applicant to an angry co-worker or curious neighbor – can access criminal histories online. Not only is access unrestricted, the information can often be incomplete, erroneous or misleading, and can include arrests not leading to conviction.

Which employers are entitled to fingerprint?

Some employers are forbidden from hiring people with criminal histories for certain jobs and are required to perform background checks to determine whether the job applicant has a criminal record before hiring that person. State and Federal laws establish these restrictions. The industries with legal prohibitions against individuals with criminal records tend to be those that involve working with “vulnerable” populations, such as children, elderly, or mentally or physically ill people. These may include the fields of childcare, education, security, and nursing and home healthcare. Many occupational licensing agencies are authorized to do fingerprint screenings, as well. For example, if someone wants to become a nurse, real estate agent, certified counselor, barber or beautician, etc. they will have to apply for a specific license to legally do the work they are trained to do.

What is a consumer reporting agency?

Some employers routinely screen prospective employees by obtaining background investigation reports from a consumer reporting agency (also known as credit reporting or background investigation agency). Their reports often contain information about the individual's criminal record, employment history, credit rating, and sometimes past drug or alcohol problems. Consumer reporting agencies often gather this information by checking public records like court files and by talking to former employers and others about the person being considered for employment. The Fair Credit Reporting Act (<http://www.ftc.gov/os/statutes/fcra.htm>) governs these reporting agencies and requires them to keep accurate records and gives the subject of the record an opportunity to dispute the record's accuracy.²¹

Before requesting a report about a job applicant from a consumer reporting agency, an employer must notify the applicant that a report may be requested. If an “investigative consumer report” is to be obtained, the applicant must first sign a written authorization consenting to the preparation of the report. If the individual determines that inaccurate or incomplete information appears in a consumer reporting agency's files, the individual should notify the agency. The agency must investigate the claim. If the agency determines that there was an error, it must notify any employer that was given the erroneous information in the last two years. If it doesn't find an error, the individual may respond in writing to the information and this response must be included in any subsequent reports.

Can an employer discriminate against someone with a criminal record?

It depends on the State and the position being sought. For instance, in Arizona, Washington State, and Hawaii, government employers are not allowed to deny employment opportunities solely because of a criminal record; they are required to review the criminal record and see if it is related to the type of job they are trying to fill. To obtain State-specific information on whether employers and occupational licensing agencies are required to individually assess every job applicant, click on the following links: [AK](#), [AZ](#), [CA](#), [HI](#), [ID](#), [NV](#), [OR](#), [WA](#).

In addition, the Equal Employment Opportunity Commission (EEOC), the Federal government agency responsible for enforcing Federal employment discrimination laws, has issued a notice saying that employers are not allowed to discriminate against job applicants solely because they have arrest or conviction records. They have determined that employment policies based exclusively on arrest or conviction information can disproportionately affect minorities who are arrested and convicted at a disproportionate rate of the population. The EEOC says that employers must look at three factors: (1) the nature and seriousness of the offense; (2) the time that has passed since the offense took place or the person completed the criminal justice sentence; and (3) the type of job the person is seeking.

Is a person with a juvenile or adult conviction record still eligible for student aid?

The Federal Higher Education Act suspends aid eligibility for students convicted under Federal or State law of sale or possession of illegal drugs. The period of ineligibility varies and depends on whether the conviction was for sale or possession, and whether the student had previous offenses. The student regains eligibility when the period of suspension ends, or in some cases, only when the student completes an acceptable drug rehabilitation program. Students who have drug convictions should call 1-800-4-FEDAID (1-800-433-3243) to find out how, or if, this law applies to them. Even if they are ineligible for Federal aid, they should complete the FAFSA (the Federal application for financial aid) and answer Question 35 because schools use this information in awarding non-Federal aid. If they leave Question 35 of the FAFSA blank, they will automatically become ineligible for Federal student aid.

People who are incarcerated have limited eligibility for Federal student aid. An incarcerated person is eligible for a Pell Grant only if he or she is incarcerated in a non-Federal or non-State penal institution, such as a local or county jail.

INDICATORS AND ASSESSMENTS OF BARRIERS TO EMPLOYMENT

Young people who have been or are currently involved in the adult or juvenile justice system may have additional barriers to employment when compared with other individuals their age. These common barriers are listed in [Chapter One: Overview](#). When these barriers are substantial, however, it may be necessary to seek assistance from external resources such as professionals in the field of special education, behavioral, substance abuse, and mental health fields or experts on physical and mental abuse victims to help overcome them.

Since these specialists are certified to conduct lengthy formal assessments that can be costly and may feel invasive to a customer, workforce case managers can pre-screen clients (through questionnaires and observation) to determine the need for formal assessments and additional help. It is therefore critical to know what indicators to look for in the participants. This section provides detailed examples of indicators for the following barriers:

- Learning Disabilities
- Behavioral Health, including Substance Abuse and Mental Health
- Abuse



ASSESSING BARRIERS TO EMPLOYMENT

A case manager can use the tool of observation to identify signs that signal possible problems and barriers to employment such as learning disabilities, substance abuse, mental health disorders (including depression and suicidal tendencies), and physical and sexual abuse - all of which may indicate a need for related supportive services and can compromise successful job placement if not appropriately addressed. Since not all agencies are equipped to address such situations, case managers need to be aware of local resources and agency guidelines about appropriate referrals. The process of responding to young people's barriers to employment should always include attention to the strengths of the youth and their families. Involving youth in the identification of their strengths and deficits and the resources available to address those barriers is a critical life skill for self-care, self-advocacy and self-sufficiency.

Because untreated behavioral health problems can be severely debilitating, and because the prevalence of such disorders is significantly higher for delinquent youth, it is critical that mental health and substance abuse services be incorporated into any comprehensive strategy that is designed to enhance youth functioning, decrease recidivism, and promote enduring workforce participation for this population. While most workforce development case managers are not trained nor have the credentials to make any health or mental health diagnosis, they can identify behaviors that indicate the need for a formal assessment.

Some of the signs that may indicate the need for a referral from the case manager to another individual or organization for an in-depth assessment by a specialist in the field are listed within each section.

LEARNING DISABILITIES

A learning disability (LD) is a neurological disorder that affects the brain's ability to receive, process, store and respond to information. The term learning disability is used to describe the seeming unexplained difficulty a person of at least average intelligence has in acquiring basic academic skills. These skills are essential for success at school and work, and for coping with life in general. LD is not a single disorder; it is a term that refers to a group of disorders that can affect a person's ability to communicate, particularly in the areas of: Listening, Speaking, Reading, Writing, and/or Mathematics. A learning disability is not a disease, so there is no cure, but there are ways to overcome the challenges it poses through identification and accommodation. Depending on the type of LD and its severity, as well as the person's age, different kinds of assistance can be provided. Under the Individuals with Disabilities Education Act (IDEA) of 1997 and the Americans with Disabilities Act (ADA) of 1990, people of all ages with LD are protected against discrimination and have a right to different forms of assistance in the classroom and workplace.

The Institute for Community Inclusion (ICI) has developed the following checklist for case managers and others who work with youth involved in the justice system that serves as indicators or "red flags" that learning disabilities or substance use may be an issue.²²

POSSIBLE INDICATORS FOR REFERRAL FOR TREATMENT OR ACCOMMODATIONS FOR LEARNING DISABILITIES INCLUDE

- poorly formed/inconsistent handwriting
- confuses similar letters such as "q" and "p"
- misspells the same word several times
- confuses similar numbers such as "3" and "8"
- omits or adds words, particularly when reading aloud
- easily distracted; unable to pay attention
- has problems with understanding or following directions

- generally seems disorganized
- appears clumsy or poorly coordinated
- has problems with spatial coordination: confuses up and down, left and right, easily becomes lost
- has problems with time: is often late or unusually early, unable to finish assignments in standard amount of time
- displays excessive anxiety, anger or depression

If any of these indicators are evident, the case manager should have information about appropriate resources. S/he may also discuss this with the youth's teacher and/or parole or probation officer – if called for by the agency's guidelines.

LOCATING A QUALIFIED PROFESSIONAL

To find a qualified professional who can assess whether an individual has a learning disability, begin with the resources available for assessment from various workforce partners, including Vocational Rehabilitation, education, and others.

BEHAVIORAL HEALTH

It is estimated that between 40% to 50% of children and adolescents involved in the juvenile justice system suffer from a mental or emotional disorder, as compared to 18%-22% of the youth population in the U.S. as a whole.²³ This percentage rises to 70% to 80% when youth diagnosed with conduct disorder and substance abuse problems are included.²⁴

While case managers who work in the area of workforce development are familiar with career assessments, skill inventories and educational assessments, behavioral health assessments are a whole different matter. Check with local juvenile justice professionals for recommendations for potential behavioral health providers. Another potential source can be located through Centers for Medicare & Medicaid Services, formerly called the Health Care Financing Administration (HCFA). [Medicaid](#) is a program that pays for medical assistance for certain individuals and families with low incomes and limited resources. This program is jointly funded by the Federal and State governments (including the District of Columbia and the Territories) to assist States in providing medical assistance to people who meet certain [eligibility criteria](#). Most States provide Medicaid assistance to children and youth under 18 years old whose family's income is low. Some States allow teenagers living on their own to apply for Medicaid on their own behalf. Many States also cover children up to age 21. For more information on accessing services in your State, visit <http://www.cms.hhs.gov/medicaid/consumer.asp>

If State and/or Federally funded providers are unavailable, formal agreements can be developed with local behavioral health providers for basic counseling and/or other services. Both individual and group counseling services can be effective and it is possible to develop a group-counseling program to augment life skills development.



SUBSTANCE ABUSE

Recent studies conducted by the National Center for Mental Health and Juvenile Justice indicate that over half of youth involved with the juvenile justice system have a substance use disorder.

POSSIBLE INDICATORS FOR REFERRAL FOR TREATMENT OF SUBSTANCE ABUSE²⁵

- alcohol on breath
- slurred speech

- unsteady or overly careful gait
- runny nose
- pupils overly large or small
- evidence of fresh needle tracks
- glazed look in eyes
- flushed or overly pale skin
- unhealthy or unkempt appearance
- distracted or inappropriate behavior

If possible substance abuse is indicated, the agency's procedures should explain what action the case manager should take.

MENTAL HEALTH

According to the National Center for Mental Health and Juvenile Justice, a growing body of research indicates that between 50% to 80% of youth detained in juvenile facilities have mental health problems and that more than half of those with a psychological disorder also have a co-occurring substance abuse problem.²⁶

When screening for mental health and substance abuse symptoms, it is always important to remember the "ABCs." When interacting with youth, staff should always pay close attention to:

- A** – Appearance, Alertness, Affect, Anxiety
- B** – Behavior (movements, organization, speech)
- C** – Cognition (orientation, calculation, reasoning, coherence)

MENTAL HEALTH: DEPRESSION

POSSIBLE INDICATORS FOR REFERRAL FOR TREATMENT OF DEPRESSION²⁷

For at least two weeks:

- loss of interest in things the client used to enjoy
- feeling sad, blue, down in the dumps

Also at least three of the following for at least two weeks:

- change in sleeping patterns—too much or too little
- rapid change in weight or eating habits
- feelings of hopelessness
- preoccupation with death or suicide
- feelings of worthlessness or guilt
- periods of crying
- lack of energy
- problems concentrating, thinking, remembering or making decisions
- feeling slowed down, restless, unable to sit still.

If there are signs of depression, case managers may need to refer the youth to a mental health professional. It is highly suggested that case managers receive training about appropriate immediate responses to signs of depression.

MENTAL HEALTH: SUICIDE

Youth suicides in juvenile detention and correctional facilities are more than four times greater than youth suicides in the general public.²⁸ Any of the following behavioral or situational indicators may be significant, but suicide or self-harming potential becomes high when a pattern of signs and symptoms emerges. As with depression, it is desirable for case managers to receive training about appropriate immediate responses.

POSSIBLE INDICATORS FOR SUICIDAL TENDENCIES²⁹

- Any current threat of suicide, either verbal or written, especially when accompanied by a plan and the means to carry it out
- A history of suicide attempts that have been documented, especially if within the last three months
- A history of mental illness or emotional disturbances
- A recent life-shattering or perceived life shattering crisis accompanied by a grave sense of loss, i.e., death in family, end of a relationship, diagnosis of terminal illness
- Depression accompanied by a sense of hopelessness and/ or helplessness about themselves, their future, and a lack of will to live
- Putting personal affairs in order such as giving away possessions
- Isolating themselves from others and not participating in activities or communicating with friends or family
- Repeated and/ or recent academic deterioration or failure
- Perceived substance abuse problem

A description of crisis intervention strategies, steps, and resources to utilize if there are signs of possible suicide should be available in writing within all youth-serving organizations and distributed annually to all case managers.

ABUSE

PHYSICAL ABUSE

Incarcerated girls report significantly more physical and sexual abuse than boys, with more than 70% of girls reporting such experiences.³⁰



POSSIBLE INDICATORS FOR REFERRAL FOR PHYSICAL ABUSE³¹

- Presence of old and new bruises, especially those that resemble an object or hand, often on upper/inner arms, thighs, several different surface areas
- Injuries that go untreated
- Multiple injuries in different stages of healing
- Fractures/broken bones/sprains
- Pinch marks, puncture wounds, burn or human bite marks
- Multiple scars, scratches
- Inappropriate clothing or accessory, possibly worn to cover signs of injury (e.g. long sleeves on a hot day to cover bruised arms or sunglasses worn inside to cover a black eye)
- Stress-related ailments (headaches, backaches, stomach distress, etc.)

- Anxiety-related conditions (racing heart, feelings of panic, fear)
- Pregnancy, sexually transmitted diseases, genital injuries (possible rape, sexual abuse)

EMOTIONALLY AND/OR PHYSICALLY ABUSIVE RELATIONSHIP

POSSIBLE INDICATORS FOR REFERRAL FOR EMOTIONALLY AND/OR PHYSICALLY ABUSIVE RELATIONSHIP³²

- Constant criticism, verbal assault, and/or name calling
- Insults or ridicules beliefs, religion, race, class, etc.
- Extreme jealousy, accusations, interrogations
- Humiliates partner in front of family/friends, case manager
- Manipulates with lies
- Tells partner how to dress and behave
- Insults or drives away friends, family
- Abuses alcohol or drugs, encourages partner to do the same
- Throws objects at partner, destroys treasured possessions
- Abuses weaker people or animals
- Threatens partner with violence, or commits violence such as shoving, kicking, slapping, hitting, etc.
- Angry, unstable incidents such as: takes away money or car keys, drives away leaving partner stranded, stops and shoves partner out of the car, etc.
- Threatens suicide if partner leaves

Each staff member who interacts with the youth has a responsibility to protect the young person from harm if a threat exists. This includes potential harm to oneself (suicide), perceived harm from others, or threats to harm another. Each agency should train case managers in advance on crisis intervention strategies for any type of suspected abuse including domestic violence and rape. Training should include the organization's official response to these issues, including what steps to take, what internal and external resources are available and how to access them, and what reporting requirements are called for by State and local laws.



Working Ahead: A Guide for Connecting Youth Offenders with Employment Opportunities



Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

PROGRAMS THAT WORK

Workforce development programs across the country have developed many innovative strategies that successfully address the employment needs of people with criminal records. Some of these programs work exclusively with participants with criminal records while others serve a variety of clients. Below is a list of programs that have been successful. (This list is by no means definitive; certainly there are many other programs of equal merit.)

The **Center for Employment Opportunities (CEO)** in New York City was created in 1978 by the Vera Institute of Justice because many newly released offenders were being re-arrested and it appeared that those who were employed were less likely to be re-arrested. CEO provides transitional employment services to former offenders immediately after release, a critical and the most vulnerable stage of the reintegration process. CEO provides assistance to its participants as well as collaborating employers. The program works with the New York State Division of Parole, New York State Department of Corrections, and the City Department of Probation for adults and youth. CEO helps about 70 percent of its participants find full-time employment within two to three months, with most jobs paying more than minimum wage and providing fringe benefits.

Center for Employment Opportunities
32 Broadway
New York, NY 10006
Phone: 212-422-4430
Fax: 212-422-4855
Website: <http://www.ceoworks.org>

Corrections Clearinghouse is a project of the Washington State Employment Security Department and provides training and technical assistance to assist offenders obtain employment and successfully integrate into the community. Services offered by Corrections Clearinghouse include: Transition to Employment Classes that are held in secure facilities as well as One-stop centers, Community Education Workshops for community organizations and One-stop staff, and Job Search & Placement Assistance for offenders who are re-entering the workforce. Corrections Clearinghouse recently revised their [Offender Re-Entry Guide](#). Contact them to request a copy.

Corrections Clearinghouse
PO Box 9046
Olympia, WA 98507-9046
(360) 407-5151
Website: <http://www.wa.gov/esd/cch>

The **Delancey Street Foundation** was founded in 1971 by Dr. Mimi Silbert and the late John Maher. Delancey Street is described as a leading self-help residential education center for former offenders and former substance abusers in the country. During a two- to four-year stay at Delancey Street, residents learn social survival skills, and equally important, academic and vocational skills. Delancey Street supports itself primarily through a number of training schools, which provide vocational skills to all the residents while generating income through revenues earned from business services. Training opportunities include a moving and trucking school, restaurant and catering services, print and copy shop, retail and wholesale sales, paratransit services, advertising specialties sales, Christmas tree sales and decorating, and an automotive service center, among others. More than 14,000 clients have graduated from the program. Delancey Street operates facilities in New Mexico, New York, North Carolina, and Los Angeles and is headquartered in San Francisco.

Delancey Street Foundation
600 Embarcadero
San Francisco, CA 94107
Phone: 415-957-9800
Fax: 415-512-5186
Website: <http://www.eisenhowerfoundation.org/grassroots/delancey/>

The **Osborne Association** in New York City was founded in 1931. The Osborne Association operates a broad range of treatment, educational, and vocational services for people involved in the adult criminal and juvenile justice systems, including prisoners and former prisoners. It serves more than 6,500 people annually in community sites and courts in New York City as well as in city jails and State prisons.

In 2001, the Osborne Association merged with the South Forty Corporation, the oldest employment organization in New York State exclusively for individuals involved in the criminal justice system. South Forty Employment and Training Services offers comprehensive vocational services to people with criminal records. South Forty provides assessment, testing, career and educational counseling, job-readiness workshops, job training, and post-employment support in adjusting to the demands of the workplace and staying employed. Clients are encouraged to return for referrals for additional services or better jobs after working successfully at their first placement. South Forty secures employment for approximately 300 men and women annually.

The Osborn Association
36-31 38th Street
Long Island City, NY 11101
Phone: 718-707-2600
Fax: 718-303-3103
Website: <http://www.osborneny.org/>



Our Place, DC is a non-profit organization established in 1999 to serve women who are incarcerated or recently released from prison and jail and their families. With the primary goal of preventing re-incarceration, the organization works to assist women in remaining connected to their families while they are incarcerated, help them prepare for their release, and support them as they reenter and reconnect with their communities.

Our Place, DC provides in-prison and post-release services, including transportation services for family members to correctional facilities, support groups, pre-release classes, HIV/AIDS peer prevention and education, legal services clinics, and a program for children and their caregivers. Post-release services include a support center offering employment and housing resources, a safe and nurturing environment, and referrals to other support services necessary to obtain and retain employment.

Our Place, DC
1236 Pennsylvania Avenue, SE
Washington, DC 20003
Phone: 202-548-2400
Fax: 202-548-2403
Website: <http://www.ourplacedc.org/>

Pioneer Human Services (PHS) is an entrepreneurial non-profit organization that improves the lives of its clients through employment and training, social services, and housing. Since 1962, PHS has offered a “Chance for Change” to high-risk populations, particularly adults and juveniles who are former offenders and substance abusers. PHS serves more than 6,000 clients a year and 1,900 individuals at any given time in its employment, training, counseling, community corrections, and housing programs and facilities. PHS’ philosophy is to serve its clients and the community through social enterprise.

The PHS employment and training model consists of several manufacturing industries and distribution services. PHS also operates a retail food business and construction service. Pioneer Industries manufactures and finishes light metal parts for aircraft, telecommunication, medical, and power management systems. Pioneer Distribution Services has three business units that operate under this division to provide assembly, repackaging, and transportation services. PHS prepares and delivers more than 750,000 meals annually to Pioneer programs and third party customers. Pioneer Construction Services employs more than 60 people in remodeling and construction projects, including roofing and siding.

Pioneer Human Services
7440 West Marginal Way S.
Seattle, WA 98108
Phone: 206-768-1990
Fax: 206-768-8910
Website: <http://www.pioneerhumanserv.com/>

Project RIO is administered by the Texas Workforce Commission in collaboration with the Texas Department of Criminal Justice (TDCJ), the Windham School District and the Texas Youth Commission (TYC). The project provides a link between education, training and employment during incarceration with employment, training, and education after release. Project RIO develops an individualized treatment plan to identify a career path for participating prisoners and to guide placement decisions.

Prior to an inmate’s release, the program conducts a comprehensive evaluation to assess the needs of the prisoner and assist in the selection and placement in Windham College, TDCJ and TYC programs. The multi-step evaluation process includes information gathering, goal-setting, program placement and self-assessment. Unit or facility staff also provides placement services to give prisoners practical work experience in their areas of training.

After a prisoner’s release, Project RIO staff provides participants with individualized workforce development services including job preparation and job search assistance. RIO participants attend structured job search workshops that focus on basic skills such as completing a work application, preparing a resume, and performing in a mock interview.

Texas Workforce Commission
Project RIO Staff
101 E. 15th St., Room 506T
Austin, TX 78778
Phone: 800-453-8140
Website: <http://www.tdcj.state.tx.us/ex-offender-employ.htm>

Rubicon Enterprises, Inc. is a support corporation of Rubicon Programs, Inc., which provides vocational rehabilitation and training, as well as transitional employment through its industries. Since 1973, Rubicon has built and operated affordable housing and provided employment, job training, mental health, and other supportive services to people who have disabilities, are homeless, or are otherwise economically disadvantaged. Rubicon works with more than 3,500 participants each year in one or more of its many programs. Innovative and comprehensive, these programs are designed to meet the diverse needs of the participants, whether they be economic, health-related, or both. Rubicon does not specifically target people with criminal records, however many fall into one of the categories it serves. The program offers a myriad of services ranging from basic pre-employment skills, job search assistance, life skills, on-the-job paid training, and job retention support services.

Rubicon Programs, Inc.
2500 Bissell Ave.
Richmond, CA 94804
Phone: 510-412-1725
Fax: 510-235-2025
Website: <http://www.rubiconpgms.org/pages/home.html>

The **Safer Foundation** in Chicago is the largest community-based provider of employment services for former offenders in the United States. Safer helps individuals with virtually every aspect of the community reentry process, pre- and post-release. Safer provides a range of direct services through education, employment, and support services that are delivered as community-based aftercare or to residents of its secured residential facilities.

Safer has helped more than 40,000 participants find employment since its inception in 1972. Safer's collaborations with the Illinois Department of Corrections, employers, and other community-based organizations demonstrate that public-private partnerships can work. Safer provides services from nine locations in Illinois and Iowa with a staff of 250.

Safer Foundation
571 West Jackson
Chicago, IL 60661
Phone: 312-922-2200
Fax: 312-922-0839
Website: <http://www.safer-fnd.org/>

San Francisco Works (SFWorks) was founded in 1997 by the San Francisco Chamber of Commerce to coordinate industry-specific training for low-income, un- and underemployed individuals. SFWorks was created to serve San Francisco's welfare/TANF population but expanded its services to include assisting General Assistance recipients, the working poor, people with criminal records, and dislocated workers. By ensuring the relevance and quality of training to employers, SFWorks opens doors previously closed to nontraditional workers. Simultaneously, by engaging employers at the front-end of program development, SFWorks is able to assure low-income clients that they are being prepared for success on the job. SFWorks acts as the intermediary among three important workforce partners: the Northern California Service League, employers, and the City College of San Francisco.

San Francisco Works
235 Montgomery Street, 12th floor
San Francisco, CA 94104-3103
Phone: 415-217-5193
Fax: 415-576-9256
Website: <http://www.sfworks.org/>

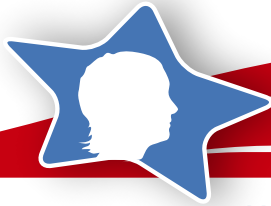
Steps-to-Success is designed to provide comprehensive educational, social, and employment services to enable job seekers to gain the skills and qualifications necessary to obtain permanent jobs or to move into a new career. The program is a collaborative partnership among Mt. Hood and Portland Community Colleges, Oregon Adult and Family Services (AFS), Oregon Employment Department, Work Systems, Inc., Human Solutions, numerous employers in the Portland Metro Workforce, and State and local community action organizations.

Steps-to-Success East
1415 SE 122nd Avenue
Portland, OR 97233
Phone: 503-256-0432
Fax: 503-256-5503
Website: <http://dwp.bigplanet.com/steps2success>



Copyright © 2004 by the [National H.I.R.E. Network](#). All Rights Reserved.

This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

CHAPTER THREE: CAREER PLANNING

Now that you have a complete overview of the workforce and criminal justice systems, examples of indicators and assessments for learning disabilities, behavioral and mental health, substance abuse, and physical and mental abuse, as well as some strategies to consider, it is time to sort through implementation. Part of a case management plan should include the clients' goal of obtaining viable employment. To that end, case managers will need to talk to their clients about educational goals and employment interests, and develop a career plan that takes into account how their history of court-involvement could impact those dreams. There are still many considerations that must be reviewed before sending a client out into the job market.

RESTRICTED AND PROMISING INDUSTRIES

PROMISING INDUSTRIES THAT MEET LABOR MARKET DEMANDS

The promising industries for people with criminal records vary from place to place and from year to year, so it is important to be familiar with local labor trends. Which jobs are on the rise in your area? Which of those jobs are accessible to people with criminal records?

Which jobs are on the rise in your area?

Your State Department of Labor can usually tell you how many actual jobs exist (how many funeral attendant positions, for example) and which occupations are on the rise. Often these lists are broken down by county and are available on the Internet from the State Department of Labor or a local college or university. This research will tell you where job openings are likely to be available and in what industries based on trends observed by labor economists.

The National H.I.R.E. Network conducted a survey using information from various groups in several States and found the following occupations to be the fastest growing with the most openings from 2000-2010: desktop publishers, medical assistants, childcare workers, pest control workers, electronic semiconductor processors, adjustment clerks, hazardous material removal workers, correspondence clerks, and hand packers.³³ Conducting a review of jobs on the rise in your State, county, and city is a good place to start.

Which of these jobs are accessible to people with criminal records?

Unfortunately, not all jobs that are increasing are accessible to people with criminal records (see Restricted Industries section). Some also do not pay well enough to lead to self-sufficiency or support a family. As you look at the lists, some jobs will stick out as good opportunities. For example, desktop publishing may represent a good career choice for someone who has an interest in computers because it requires moderate level training, does not have licensure requirements, can often offer flexible work schedules, and starts at a reasonable entry-level pay scale. Conversely, becoming a medical assistant may require certification in some States and may have criminal record restrictions.

RESTRICTED INDUSTRIES AND SOME REMEDIES

Some employers are forbidden from hiring people with criminal histories for certain jobs and are required to perform background checks to determine whether the job applicant has a criminal record before hiring that person. State and Federal laws establish these restrictions. The industries with legal prohibitions against individuals with criminal records tend to be those that involve “vulnerable” populations, such as children, elderly, or mentally or physically ill people. These may include the fields of childcare, education, security, and nursing and home healthcare.

These industry restrictions have been reinforced in many States through new and stricter State and local laws. In addition to those industries that are fairly obvious, others that have Federal restrictions are jobs in financial institutions (i.e. banks) insured by the FDIC (Federal Deposit Insurance Corporation), the insurance industry, positions of management in a union or other organization that manages an employee benefit plan, prisoner transportation, and aviation security. You should contact your State’s Attorney General to determine the occupations and types of convictions that are affected by occupational prohibitions in your State.

Professions that have Federal and State bars to employment and licensure for people with criminal records may not at first glance seem like a good fit. However, some States have created *Certificates of Rehabilitation* to remove these statutory bars or allow a job applicant to apply for a waiver to lift the restriction. If your State does not offer certificates or some other means of removing occupational bars, you may consider jobs that do not pose a high risk to the public (i.e. construction, laborer, manufacturing, trade, and services), which may be more open to hiring people with criminal records. Some workforce programs have subsidized business- and entrepreneurial-skill development training programs such as bakeries and car detailing shops that offer people with criminal records and/or limited work histories opportunities to gain on-the-job experience and eventually employ themselves. In terms of traditional jobs, employers that require handling a large volume of money, entering a consumer’s home, or maintaining valuable inventory (i.e. automobiles, jewelry store, antiques, etc.) may be less likely to hire individuals with criminal records. The use of the [Federal Bonding Program](#) may be an extremely valuable resource to persuade these employers to consider hiring someone with a criminal history.

The best strategy for devising an appropriate career plan is first learning what the person’s interests and abilities are and learning which industries those attributes can best be applied. One interactive tool that can be used to begin exploring potential career paths is the Occupational Information Network, or O*NET. <http://online.onetcenter.org/>. It may then be appropriate to contact professional organizations or workers who may be able to answer more specific questions about the level of education necessary for the job and if a criminal history prevents access to entry-level positions to that occupation or industry. Again, thorough assessments and developing a comprehensive plan through research and background information about industries of interest paves the road to achieving employment goals. In the end, the case manager and the client need to determine if the job is suitable to pursue.



COMPLETING AN EMPLOYMENT APPLICATION AND PREPARING FOR AN INTERVIEW

Knowing the rights and obligations of job applicants who have criminal records will help clients prepare to answer pre-employment inquiries completely, directly, and honestly. Job applicants should respond to the specific information asked of them. To do this, a client must be familiar with his or her rap sheet – specifically, whether it contains arrests, convictions, and youthful or juvenile adjudications.

Job applications, resumes, and interviews are important tools employers use to decide whether or not to hire a job applicant. To download tools that can help job seekers with a criminal record prepare applications and resumes, click on the [Application and Resume](#) section of Corrections Clearinghouse’s [Offender Re-Entry Guide](#). To help prepare for an interview,

click on the [Interview](#) section of the guide. These documents are included by permission from Corrections Clearinghouse, a project of the Washington State Employment Security Department. Corrections Clearinghouse provides training and technical assistance to assist offenders obtain employment and successfully integrate into the community. For more information or to request a copy of the complete guide, call (360) 407-5151 or visit <http://www.wa.gov/esd/cch>.

Employers learn about the job applicant's education, skills, employment experience, and, often, his or her criminal history. Whether and how an employer can consider a job applicant's criminal record varies by State. In most States an employer can ask about and consider arrests, even if they did not lead to conviction, as well as adult convictions. However, in most States, employers cannot find out about juvenile cases or expunged or sealed arrests. Remember, a participant's age does not always determine whether or not they were treated as a "juvenile" by the criminal justice system. A client can have an adult conviction even if the offense occurred before he or she was 18 years old.

The table below indicates whether employers in the States in Region 6 are permitted to ask job applicants about their arrest records. Please keep in mind that this table is brief, and therefore not a complete description of the laws for each State. For more information about any of the Region 6 States, click on your State [AK](#), [AZ](#), [CA](#), [HI](#), [ID](#), [NV](#), [OR](#), [WA](#). To get information about some of the laws in other States, visit <http://www.hirenetwork.org/>.

State	Can Employers Ask About or Consider Arrests that Did Not Lead to Conviction?
Alaska	Yes
Arizona	Yes
California	No (CAL. CODE REGS. tit. 2 § 7287.4(d)(1)(A), (B); CAL. LABOR § 432.7 (f)(1), (2); and CAL. PENAL § 13203.)
Hawaii	No (HAW. REV. STAT. §§ 378-2(1)(A) and 831-3.2(e).)
Idaho	Yes
Nevada	Yes
Oregon	Yes
Washington	Yes



DISCLOSURE AND MOCK INTERVIEWS

Once the case manager and client are familiar with the contents of his/her rap sheet, as well as understand what an employer can legally ask about, it is important to develop a strategy for disclosing a job-seeker's juvenile or criminal justice history. While all agree that it is important to be upfront and honest when applying for a job whether or not the job seeker has a criminal record, some people believe that a criminal record should be revealed right at the beginning of an interview while others believe it is important to first discuss the strengths and qualifications of an applicant prior to revealing any deficits (i.e. criminal history.)

Make sure the job-seeker is prepared and comfortable disclosing or revealing the information to an employer, including taking responsibility for what happened in the past and focusing on the positive successes since involvement in the justice system. Mock interviews can be a helpful tool to assess whether a client is prepared to speak about his/her history. If he or she cannot look the interviewer in the eye and explain his/her history, imagine the reaction in front of an employer.

Another strategy that can increase the level of comfort a client feels disclosing information honestly, is for the case manager or job developer to share a clients' criminal history with an employer prior to an interview. However, if the case manager is planning to disclose any of this information, it is *extremely* important that the client knows and has some say as to what information is being shared prior to disclosure. Remember, case managers can be an important bridge between an employer and a job seeker, and can play an important role in building trust between the two.

ANSWERING APPLICATION QUESTIONS ABOUT YOUR RECORD: TIPS FOR JOB SEEKERS

This section will provide suggestions for answering questions commonly included on application forms. Another more extensive resource for job seekers with a criminal record is the [Application and Resume](#) section of Corrections Clearinghouse's [Re-Entry Guide](#).

QUESTION:	How do I answer a question on a job application that asks, "Have you been arrested, convicted of a crime or released from prison?"
	<input type="checkbox"/> YES <input type="checkbox"/> NO
RESPONSE:	To answer this question, you need to be very familiar with your history. You will need to know how many times you have been arrested, how many convictions you have and for what types of offenses, and whether you were treated as a juvenile or an adult. Answer truthfully and according to your State's laws. In every State, you are required to list convictions. In some States, you do not have to list arrests, but in most, you do. In general, you must answer "yes" if you have a criminal background.

Keep in mind that the question about your arrest history can be asked a number of different ways. The question may say, "have you ever been charged with a crime?" or "have you ever been arrested?" Questions about your conviction history are normally asked as "have you ever been convicted?", "have you ever been convicted of a crime?", "have you ever been convicted of a felony?", or "list all convictions." If the question is limited to felonies, you are not required to list any misdemeanors. Similarly, if the question is limited to a specific time period such as "have you been convicted in the last seven years?", you are not required to list any convictions that are older than seven years.

Ordinarily, juvenile and youthful offender adjudications are not considered adult convictions. You should consult with a public defender to determine how these adjudications are considered and how you need to respond to this question if you have only been processed as a juvenile in your State and do not have any adult convictions.

If your record has been sealed, you may not be required to tell the employer about it but it depends on the State and what kind of sealing law it has. If it is possible to can get your arrest or conviction record or juvenile record sealed, it is probably worth the effort.

QUESTION:	What if the question about a criminal record ask to "explain"?
-----------	--

RESPONSE: Your explanation should be brief and include a statement like “will explain further at interview” at the end. This will keep everyone who may view your application from misinterpreting the information.

HOW TO DESCRIBE TIME IN PRISON ON A JOB APPLICATION: TIPS FOR JOB SEEKERS

Please note it is important to complete the Work History section of an application in order to get an interview, where you can describe your entire history in more detail. If you are or have been incarcerated, it will be necessary to complete the Work History portion in such a way to get your application past whoever may be screening applications for interviews. It is vital that the Work History section is complete. However, it is not necessary in this portion to provide details of your incarceration. That information is only between you and the interviewer, not anyone who may see your application.

For additional advice on filling out questions on an application, please see the [Application and Resume](#) section of Corrections Clearinghouse’s [Re-Entry Guide](#).

HOW TO DESCRIBE TIME IN PRISON AND/OR A CRIMINAL RECORD IN A JOB INTERVIEW: TIPS FOR JOB SEEKERS

QUESTION: How do I tell about my incarceration or criminal history?

RESPONSE: As soon as the interview starts say:

- 1) “I am here to apply for (name of position) that I believe I am very qualified for. I learned about the position from ...(i.e. the newspaper, a friend, flyer, or name a specific person if it will help). As you see from my resume’ I have experience doing... and working with (name any skills or equipment that are relevant).”

“You may see that I have some gaps in my work history. I have a criminal record, however, my behavior was attributed to ... (examples: immaturity, a past addiction history, stupidity, naivety, etc). I have matured, I am sober, I am smarter, I am better, and I have a family... [Do not be embarrassed, but do take responsibility for your past actions. Many people can identify with all of those reasons and everyone has made mistakes].

OR

Immediately state after listing your skills... “I’ve obtained training and skills while under the supervision of the corrections department and...[tell about any certificates or certifications that were met]. I have learned that I can be a valuable and loyal employee. I simply need the chance to show my abilities.”

- 2) “There are some advantages to hiring me. I can be [bonded for \\$5,000](#). Also, by hiring me, you are eligible for a [Work Opportunity Tax Credit](#) (WOTC). For the first \$6,000 in wages you pay me, you would be eligible to receive up to a \$2,400 Federal tax credit.

Comments: The WOTC is available to employees with criminal records and other qualified targeted groups of individuals. Be sure to keep your speech short and sweet. *Always* end with what you have to offer regarding work experience. Combine #1 and #2 into one flowing speech.

QUESTION: What if they ask about prison life?

RESPONSE: Answer short and sweet and return the conversation to work experience.

EXAMPLE: “Was being in prison hard?”

“Yes...but I learned a lot and it gave me time to set goals and get my life back in order. Some of my experience such as cooking, (etc.) was from there.”

OR

“It’s what you make it. I took classes such as () and () and worked as a cook doing () which I feel will help me on future jobs such as the one I am applying for.

Comments: Always respond by bringing the subject back to “work”.

QUESTION: “What were you convicted of?”

RESPONSE: Know what you have to disclose and TELL THE TRUTH! If the question is about convictions, you only need to disclose your convictions. If the question is about arrests or what you were charged with, and you live in a State that permits employers to ask about and consider arrest, you need to disclose all of your arrests. Whether or not your juvenile record is considered an adult conviction depends on your particular State. You may need to check with an attorney there. In some States, you only have to talk about arrests or convictions that are *job related* or occurred within the last ten (10) years. It depends where you live. In an interview situation, if the subject is brought up try to figure out what is being asked and answer that.

For more advice on successfully preparing for an interview, please see the [Interview](#) section of Corrections Clearinghouse’s [Re-Entry Guide](#).

WORKING WITH EMPLOYERS: TIPS FOR CASE MANAGERS

Contrary to what many people may think and even despite the barriers discussed above, many employers will hire individuals with criminal records if they are qualified and job-ready. There is no magic list of employers who are willing to hire people with criminal records and equally willing to be public about the fact that they do. Some employers prefer to simply be known as a “fair employer” as opposed to being an employer who hires individuals with criminal records. One of the keys to success in obtaining employer partners is meeting the employer’s demand for qualified labor. To best serve the needs of employer partners, consider the types of services your organization can offer and how you market them.



1. Provide free human resource services to employers who need qualified labor by screening clients carefully and ensuring the needs of your employers match the skills and interests of your participants. This service can be very attractive to smaller employers who cannot afford human resource departments. Even large employers can benefit from your referral services because you can offer a pool of job-ready applicants at a moment’s notice. In addition, you can save employers the costs of conducting background checks on prospective employees by offering them information about your participants up front. This will require you to be familiar with your clients’ rap sheets.

2. Recognize and respond to the legitimate concerns of employers. Many employers fear they will be liable if they hire a person with a criminal record who later commits a new crime. Educate employers about [negligent hiring](#) laws. Performing quality screening and referring appropriate job applicants can significantly reduce employers' risk of liability. Inform employers about the [Federal Bonding Program](#) and how it can help protect them from employee theft and/or property damage.
3. Explain your organization's service structure, which should include "wrap around" services that provide or link participants to the support services they need to help them retain employment, including addressing child support issues, alcohol and substance abuse problems, housing, child care, and transportation. Offer post-employment services to employers after your participant is placed such as ESL, childcare, transportation, and occupational skills training, which can strengthen your relationship with the participant and the employer.
4. Emphasize the financial incentives employers can accrue when they hire qualified applicants with criminal histories. Assist employers in securing Federal bonds or tax credits (if available), and other employee training funds that may be available through Workforce Investment Act (WIA) assistance.
5. To make appropriate job referrals, be familiar with relevant employment laws as well as participants' rap sheets. As noted in Chapter 2 and above, there are Federal policies and State laws that prohibit employers from discriminating against job applicants with a criminal record, as well as laws that require employers in certain industries to deny people with certain criminal records jobs. In order to make sound job referrals – and protect employers – you need to be familiar with these laws, including knowing the types of jobs that are closed to people with criminal records and the specific types of criminal records that make someone ineligible for those jobs. You also need to be very familiar with your participants' rap sheets to know whether the person has any convictions that would make it inappropriate for you to refer them to those kinds of jobs either because of an actual law or because their criminal record indicates they may be inappropriate for that position. For instance, a participant who has many drug-related convictions probably should not be referred to a job in a pharmacy.

Being familiar with clients' rap sheets will also help you counsel your clients in answering questions about their criminal histories on job applications and in interviews. Reviewing your client's rap sheet with him or her will also let you both know whether rap sheets contain mistakes that should be corrected or whether records that can be sealed and have not been should be addressed.
6. Use job placement staff who know the culture of local employers (e.g. have worked in target professions or know employers and/or hiring staff).

Educating an employer about the value and advantages of hiring qualified individuals who have criminal histories takes time, persistence, and sincerity. A resource that can be used as an education tool for employers is a pamphlet called [Smart Solutions: Individuals with Criminal Histories: A Potential Untapped Resource](#), available here or through the Legal Action Center at <http://www.lac.org>. Employers must know that you are on their side and are there to help them meet their bottom line. Your organization must be viewed as an indispensable provider of qualified labor.

WORK OPPORTUNITY TAX CREDITS

The Work Opportunity Tax Credit (WOTC) can earn an employer as much as \$2,400 in tax credits when they hire a worker who has historically had a hard time landing a job and meets qualifying criteria. It's easy to do. All an employer has to do is hire someone from one of the targeted populations, fill out the Pre-Screening Notice (IRS 8850) and Individual Characteristics Form (ETA 9061). Visit <http://www.uses.doleta.gov/wotcdata.asp> for a list of qualifying

employees and to get the necessary forms. It is important to make sure the forms are sent in a timely manner to the State WOTC unit. Note: The IRS 8850 needs to be postmarked within 21 calendar days from the start date of employment.

Click here for more information about the [Work Opportunity Tax Credit](#).

If an employer views taking advantage of the WOTC as being too time-consuming or bureaucratic, he or she may not be willing to hire someone who qualifies. Case managers who want to make things easier for their business partners could fill out as much of the paperwork as possible. Remember, the key to being a good intermediary is serving both customers' needs—employers as well as job seekers.

FEDERAL BONDING PROGRAM

An employer may view a job seeker who has a criminal record as untrustworthy. The Federal Bonding Program helps to alleviate employers concerns that at-risk job applicants would be untrustworthy workers by allowing them to purchase fidelity bonds. Basically, this fidelity bond is a business insurance policy that protects the employer in case of any loss of money or property due to employee dishonesty.

The fidelity bonds issued by the Federal Bonding Program are given to the employer free-of-charge, and serve as an incentive to the company to hire a job applicant who is an individual with a criminal record or has some other “risk” factor in his or her personal background.

Click here for more information about the [Federal Bonding Program](#), and/or visit the U.S. Department of Labor's website at: <http://wtw.doleta.gov/documents/fedbonding.asp>



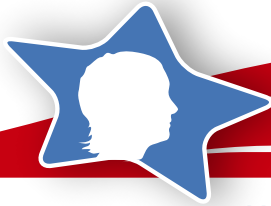


Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

STATES WITH CERTIFICATES OR RESTORATION OF RIGHTS

ARIZONA

For first time offenders who have not previously been convicted of any other felony, civil rights that were lost or suspended, including occupational bars, are automatically restored if the offender completes all of the sentencing terms: probation, imprisonment, and/or payment of fine or restitution.¹ For offenders with two or more felonies, civil rights are restored only by application to the judge who discharges the offender at the end of the probation period or the judge by whom the offender was sentenced.²

CALIFORNIA

A certificate of rehabilitation may be obtained that declares that an individual convicted of a felony is rehabilitated and may relieve an individual from registering as a sex offender.³ Offender can apply for certificate after completing prison sentence or being released on parole. In addition, offender must reside in California for three years and must not have been since imprisoned and must live an “honest and upright life,” conduct himself or herself with “sobriety and industry” and must “exhibit a good moral character and shall conform to and obey the laws of the land.”⁴ Both a certificate and a pardon generally only restore civil liberties.⁵ In addition, while a certificate alone cannot remove occupational bars, it is a prerequisite to obtaining a pardon, which may relieve such a bar.⁶

NEVADA

An offender may apply for restoration of civil rights once the offender has served his sentence and been released from prison.⁷ In addition, an individual may apply for restoration of civil rights six months after being granted an honorable discharge from probation or parole.⁸ Also, an offender may apply for a pardon, which may or may not include restoration of civil rights.⁹ A pardon does not lift occupational bars.¹⁰

Endnotes

¹ Ariz. Rev. Stat. § 13-912.

² Ariz. Rev. Stat. § 13-910.

³ Cal. Penal Code §§ 4852.01 (a)-(d).

⁴ Cal. Penal Code §§ 4852.05-06.

⁵ Cal. Penal Code §§ 4852.01 (a)-(d), 4852.17.

⁶ Id.

⁷ Nev. Rev. Stat. § 213.157.

⁸ Nev. Rev. Stat. § 213.157; 176A.860.

⁹ Nev. Rev. Stat. § 213.090.

¹⁰ Nev. Op. Att’y Gen. 83-13.



Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

CHAPTER FOUR: RESOURCES

WEB RESOURCES

The following web sites offer very useful information on various topics related to youth, criminal justice, and workforce development. The descriptions and annotations were developed by the sites' original authors and appear here to help further guide your own independent research. Our appreciation is extended to these authors for providing this valuable background.

NON-PROFIT AND PRIVATE FOR-PROFIT RESOURCES:

<http://www.appa-net.org> – The American Probation and Parole Association is an international association composed of individuals from the United States and Canada actively involved with probation, parole and community-based corrections, in both adult and juvenile sectors. All levels of government including local, State/provincial, legislative, executive, judicial, and Federal agencies are counted among its constituents.

<http://www.abanet.org/crimjust/home.html> – Founded in 1920, the Criminal Justice Section of the American Bar Association has over 9,000 members including prosecutors, private defense counsel, appellate and trial judges, law professors, correctional and law enforcement personnel, law students, public defenders, and other criminal justice professionals. With its diverse, multi-disciplinary membership, the Criminal Justice Section is uniquely situated to address the pressing issues facing today's criminal justice system.

<http://www.juvjustice.org> – The Coalition for Juvenile Justice (CJJ) serves as a premier national resource on delinquency prevention and juvenile justice issues. CJJ is based in Washington, DC, yet reaches every U.S. State and territory. Nationwide, more than 1,500 CJJ volunteers from the public and private sector -professionals, concerned citizens, and advocates for children and families - participate as members of State advisory groups on juvenile justice.

<http://www.crjustice.org/> – Community Resources for Justice promotes a safe and just society for all people through direct care programs, education, and advocacy. CRJ develops and implements demonstration programs to test innovative strategies and creative solutions, conducts research and evaluation, and disseminates knowledge and lessons learned through publications, forums, and professional assistance

<http://www.csgeast.org/crimreentry.asp> – The Council of State Governments (CSG) is a non-partisan, public, non-profit organization that provides information, research, and training to State officials in all 50 States and U.S. territories. The Re-Entry Policy Council was established in 2001 to assist State government officials grappling with the increasing number of people leaving prisons and jails, and returning to the communities they left behind.

<http://www.justicepolicy.org> – The Justice Policy Institute is a nonprofit research and public policy organization dedicated to ending society's reliance on incarceration and promoting effective and just solutions to social problems. Since 1996, JPI has evolved into one of the nation's most thoughtful and progressive voices for crafting workable solutions to age-old problems plaguing our juvenile and criminal justice systems.

<http://www.urban.org/content/PolicyCenters/Justice/Overview.htm> – The Justice Policy Center (JPC) at the Urban Institute carries out nonpartisan research to inform the national dialogue on crime, justice, and community safety. JPC researchers collaborate with practitioners, public officials, and community groups to make the Center's research useful not only to decision makers and agencies in the justice system but also to the neighborhoods and communities harmed by crime and disorder.

www.aecf.org/cgi-bin/cliks.cgi – The KIDS COUNT Network is comprised of State-based KIDS COUNT projects in 50 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Network members share the common goal of using data to advance change on behalf of kids and families. This website brings together data on the well being of children collected by KIDS COUNT grantees from State and local sources. The unique system allows users to access State-specific inventories of data from local sources, such as health departments, human services agencies, and schools. A participating KIDS COUNT partner using data from local jurisdictions determines the content of State pages.

<http://www.lac.org> – The Legal Action Center conducts a wide range of programs to protect and advance the rights of people in recovery or still suffering from alcohol and drug problems, people at risk for or living with HIV/AIDS, and individuals with criminal justice histories, and to promote sound public policies in these areas.

<http://ncjj.servehttp.com/NCJJWebsite/main.htm> – The National Center for Juvenile Justice's web site provides research information on topics related directly and indirectly to the field of juvenile justice. The Center is the research division of the National Council of Juvenile and Family Court Judges.

<http://www.nclld.org> – The National Center for Learning Disability's website is a gateway to LD information and resources across the nation, including resources, research, and advocacy information.

<http://www.ncmhjj.com> – The National Center for Mental Health and Juvenile Justice, established by [Policy Research Associates](#), has four key objectives: to create a national focus on youth with mental health and co-occurring substance use disorders in contact with the juvenile justice system, to serve as a national resource for the collection and dissemination of evidence-based and best practice information, to conduct new research and evaluation to fill gaps in the existing knowledge base, and to foster systems and policy changes at the national, State and local levels to improve services for these youth.

<http://www.onestops.info> – The National Center on Workforce and Disability (NCWD) provides training, technical assistance, policy analysis, and information to improve access for all in the workforce development system. NCWD's areas of expertise include: designing access for all; accommodations & assistive technology; developing employer relationships; helping customers find jobs; job-related support; legal requirements & guidelines; partnerships & funding; disability policy; and marketing & outreach.

<http://www.gainsctr.com/> – The website of the National GAINS Center for People with Co-Occurring Disorders in Contact with the Justice System collects and disseminates information about effective mental health and substance abuse services for people with co-occurring disorders in contact with the justice system.

<http://www.hirenetwork.org> – The National H.I.R.E. Network is a project of the Legal Action Center in New York. H.I.R.E. stands for "Helping Individuals with criminal records Reenter through Employment." It serves as both a national clearinghouse for information and an advocate for policy change. The goal of the National H.I.R.E. Network is to increase the



number and quality of job opportunities available to people with criminal records by improving public policies, employment practices and public opinion. The National H.I.R.E. Network also provides training and technical assistance to agencies working to improve the employment prospects for people with criminal records. H.I.R.E. co-authored this guidebook.

<http://www.nicic.org/resources/topics/TransitionFromPrison.aspx> – The National Institute of Corrections, supported by the U.S. Department of Justice, provides training, on-site technical assistance, information, and policy/ program development support to corrections agencies and professionals. NIC's Transition from Prison to the Community Initiative (TPCI) is intended to help States improve their transition processes, thereby increasing public safety, reducing recidivism and new victimization, and making better use of resources in correctional facilities and communities. The Transition from Prison to Community Initiative (TPCI) hosts a forum to discuss issues and share information through an on-line blog at www.offenderreentry.blogspot.com.

<http://www.prisonpolicy.org/> – The Prison Policy Initiative conducts research and advocacy on incarceration policy. Available resources include analyses of the impacts of prison populations on political districts, as well as recent publications on issues affecting prisoners and their families.

<http://www.reentrymediaoutreach.org/> – is the web page of the Reentry National Media Outreach Campaign, a project of the Annie E. Casey Foundation, with partners, the Urban Institute and national media consulting firm Outreach Extensions. The campaign is a national media campaign to bring attention to the issue of reentry. Materials include a series of documentaries and related outreach and campaign tools and contacts to increase visibility on this issue.

<http://www.rea-inc.com/> – Research & Evaluation Associates, Inc. works with policymakers and practitioners to develop solutions to problems and to remove barriers that hamper the growth and well being of their constituents. The constituents may be school children and their parents, out-of-school and unemployed youth, single parents with dependent children, underemployed adults, underrepresented groups in technical professional areas, underutilized businesses, or the general populace.

<http://www.righttovote.org> – The mission of the Right to Vote Campaign is to remove barriers to voting faced by people with felony convictions, so they may freely participate in the democratic process.

<http://www.sentencingproject.org> – The Sentencing Project, incorporated in 1986, has become a national leader in the development of alternative sentencing programs and in research and advocacy on criminal justice policy.

<http://www.vera.org> – The Vera Institute of Justice works closely with leaders in government and civil society to improve the services people rely on for safety and justice. Vera develops innovative, affordable programs that often grow into self-sustaining organizations, studies social problems and current responses, and provides practical advice and assistance to government officials in New York and around the world.



FEDERAL AND STATE AGENCIES

<http://quickfacts.census.gov/qfd> – The Census Bureau serves as the leading source of quality data about the nation's people and economy. They honor privacy, protect confidentiality, share their expertise globally, and conduct work openly.

<http://www.usdoj.gov/> – The U.S. Department of Justice offers funding opportunities to conduct research, to support law enforcement activities in State and local jurisdictions, to provide training and technical assistance, and to implement programs that improve the criminal justice system. The Office of Justice Programs offers Federal financial assistance to scholars, practitioners, experts, and State and local governments and agencies.

<http://www.ojp.usdoj.gov/bjs> – The mission of the United States Department of Justice, Bureau of Justice Statistics is to collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. These data are critical to Federal, State, and local policymakers in combating crime and ensuring that justice is both efficient and evenhanded.

www.ojp.usdoj.gov/reentry – The website of the U.S. Department of Justice’s Office of Justice Programs provides information on national and State public and private re-entry initiatives, training and conference opportunities, funding opportunities, and partnerships. Current emphasis is on the Serious and Violent Offender Re-Entry Initiative.

<http://www.doleta.gov> – The Department of Labor’s Employment and Training Administration (ETA) administers Federal government job training and worker dislocation programs, Federal grants to States for public employment service programs, and unemployment insurance benefits. These services are primarily provided through State and local workforce development systems; however, competitive grants are also awarded. The Youth Opportunity Grants, and the Youth Offender Demonstration Grant Programs are some of the discretionary programs that serve youth.

<http://www.juvenilejusticefyi.com/> – This web site, Juvenile Justice FYI, provides extensive information on the juvenile justice system and the causes of juvenile delinquency. America’s juvenile justice system is responsible for keeping citizens safe and rehabilitating delinquent youth. Meeting these two responsibilities has been the goal of the system since it was first implemented.

<http://www.ojjdp.ncjrs.org/index.html> – The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. OJJDP supports States and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families.

FUNDING AND GRANT WRITING RESOURCES

<http://www.aecf.org/> – The Annie E. Casey Foundation (AECF) works to build better futures for disadvantaged children and their families in the United States. The primary mission of the Foundation is to foster public policies, human service reforms, and community supports that more effectively meet the needs of today’s vulnerable children and families.

<http://wwwFOUNDATIONS.org> – At Foundations On –line, you can browse the foundation directory, pick a listed foundation, search any foundation’s information page or search any foundation’s home page. Foundation home pages may contain downloadable information such as grant applications, periodical and financial reports, and e-mail capabilities.

<http://www.fdncenter.org/> – Founded in 1956, the Foundation Center is the nation’s leading authority on philanthropy and is dedicated to serving grant seekers, grantmakers, researchers, policymakers, the media, and the general public by collecting, organizing, and communicating information on U.S. philanthropy, providing education and training on the grant seeking process, and insuring public access to information and services through its website, print and electronic publications, five library/learning centers, and a national network of Cooperating Collections.

<http://www.grantproposal.com/> – This grant writing resource website, Grant Proposal.com is devoted to providing free resources for both advanced grant writing consultants and inexperienced nonprofit staff. Passionate words — compressed into a few pages, rich with persuasive details, and sent to a carefully researched funding source — can construct low-income housing, provide scholarships for talented students, restore the natural environment, and bring hope to people in need.



<http://www.grants.gov/> – The charter of Grants.gov, one of 24 President’s Management Agenda E-Government initiatives, is to provide a simple, unified electronic storefront for interactions between grant applicants and the Federal agencies that manage grant funds. There are 26 Federal grant-making agencies and over 900 individual grant programs that award over \$350 billion in grants each year. The grant community, including State, local and tribal governments, academia and research institutions, and not-for-profits, need only visit one website, Grants.gov, to access the annual grant funds available across the Federal government.

<http://www.jehtfoundation.org> – The JEHT Foundation was established in April 2000 to support its donors’ interests in human rights, social justice and community building. The name JEHT stands for the core values that underlie the Foundation’s mission: Justice, Equality, Human dignity and Tolerance. The Foundation’s Community Justice and International Justice programs reflect these interests and values.

<http://www.joinetogether.org/home/> – Join Together Online (JTO) is a comprehensive network of free Internet services supporting community-based efforts to address substance abuse and gun violence. Thousands of community leaders, professionals and concerned citizens use JTO every day to be more informed and effective in their local efforts to reduce and prevent these devastating public health problems.

http://www.soros.org/initiatives/justice/focus_areas/after_prison – The Open Society Institute (OSI) is a private operating and grantmaking foundation that serves as the hub of the Soros foundations network, a group of autonomous foundations and organizations in more than 50 countries. The After Prison Initiative supports the successful reentry of prisoners to their communities by promoting leadership among prisoners and former prisoners in progressive reform efforts; systemic reform of corrections’ policies (especially parole and probation) and of inappropriate civil barriers to reentry; and the redirection of criminal justice resources to enhance community control of, and responsibility for, public safety and justice.

USEFUL PUBLICATIONS

Below is a listing of several reports describing various approaches and strategies that have proven successful in providing workforce development and other support services. While they are not all specifically focused on serving people with criminal records, they nevertheless offer useful strategies and innovative approaches.

“After Prison: Roadblocks To Reentry, A Report On State Legal Barriers Facing People with Criminal Records,” by Paul Samuels, Esq. and Debbie Mukamal, Esq. of the Legal Action Center, summarizes the findings of an exhaustive two-year study by the Legal Action Center of the legal obstacles that people with criminal records face when they attempt to reenter society and become productive, law-abiding citizens. The report (1) examines 27 laws and policies in each of the 50 States, (2) grades the States on how fairly their laws treat individuals with criminal records, and (3) recommends a host of specific policy changes that the Federal and State governments should adopt to facilitate the successful reentry into society of people with criminal records without compromising public safety or the ability of employers and others to accept only qualified people. <http://www.lac.org/lac>.

“Access to Counsel,” written by Judith B. Jones, M.A., Spec. H.S.A., examines access to legal counsel in the juvenile justice system. It describes problems affecting access at each stage of the process, discusses factors that hinder access to and quality of counsel, and identifies elements of effective counsel. This 34-page bulletin outlines five approaches to improving access (program initiatives, legislation, administrative reforms, research, and litigation), cites examples of these approaches, and lists resources for practitioners. “Access to Counsel” is available online at <http://ojjdp.ncjrs.org/publications/PubAbstract.asp?pubi=11679>.



“The Best of Both: Community Colleges and Community-Based Organizations Partner to Better Serve Low-Income Workers and Employers,” by Brandon Roberts of Public/Private Ventures (January 2002). This report highlights several successful partnerships established between community colleges and community nonprofits to prepare organization participants to get and keep jobs in occupations that pay a livable wage and offer opportunities for advancement. A core set of activities that constitute an effective skills training program for low-income workers. Individual responsibilities among each partner are usually determined by which partner is best suited to deliver the specific activity. A copy of the report is available at <http://www.ppv.org/>.

“Building a Career Pathways System: Promising Practices in Community College-Centered Workforce Development,” by the Workforce Strategy Center, identifies a career pathways model that builds a bridge for disadvantaged adults to economic self-sufficiency. It describes ways to move participants from poverty and poor education to a promising career by traveling a seamless system that includes skills training, work experience and upgrade training. While community colleges are the center of the career pathways model, other entities play a crucial role in a successful partnership. A copy of the report is available at <http://www.aecf.org/publications/>.

“From Hard Time to Full Time: Strategies to Help Move Ex-Offenders from Welfare to Work” is a monograph prepared under the direction of the Division of Welfare-to-Work of the U.S. Department of Labor’s Employment and Training Administration (DOL/ETA) by the Legal Action Center (June 2001). This guidebook identifies strategies to meet the demands of employers who need dependable labor and to prepare individuals to be qualified job candidates. To obtain a copy of this monograph, go to www.hirenetwork.org or <http://wtw.doleta.gov/documents/hard.html>.

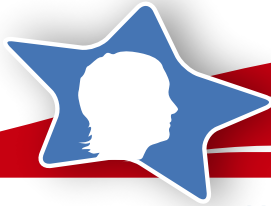
“Getting Back to Work: Employment Programs for Ex-Offenders,” by Maria L. Buck, offers an historical overview, descriptions of Federal and State initiatives and community-based organizations that serve people with criminal records, and recommendations to strengthen the field of employment programs for people with criminal records (Fall 2000). A copy of the report can be downloaded from the Public/Private Ventures’ website, <http://www.ppv.org/>.

“Getting to Work: How TANF Can Support Ex-Offender Parents In the Transition to Self-Sufficiency,” by Gwen Rubinstein of the Legal Action Center (April 2001), discusses issues at the intersection of criminal justice and welfare policy; identifies barriers to employment of qualified individuals with criminal records; examines the effectiveness of individuals with criminal records employment programs within the context of Federal and State welfare programs; and offers policy recommendations for improving the employment success of parents with criminal records who have TANF children.

This report recognizes policies that promote the employment of people with criminal records and identifies the three principal areas that require attention and resources: benefit eligibility; pre-employment services; and job placement and retention services. To obtain a copy of this report, visit the publications section of <http://www.hirenetwork.org/>.

“Providing the Missing Link: A Model for a Neighborhood-Focused Employment Program,” by Wendy Fleischer and Julie Dressner, identifies six core components of a Model Neighborhood-Focused Employment Program (June 2002). Through these core components, clients have access to assessment, job readiness, job search, job development, wrap-around support services, income enhancement, retention, support and career development. A copy of the report is available at <http://www.aecf.org/publications/>.





[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

FEDERAL BONDING PROGRAM

AN INCENTIVE PROGRAM FOR HIRING INDIVIDUALS WITH CRIMINAL RECORDS

Some employers may require their employees to be bonded as protection against money or property loss due to employee dishonesty. However, many private bonding agencies will not bond job applicants with criminal histories or other questionable past behaviors because they are often categorized as “at-risk” or “not bondable.” Being ineligible for private bonding insurance can be an additional employment barrier for many qualified job applicants with past criminal records. The Federal Bonding Program exists to help alleviate employers’ concerns about hiring qualified, but “at-risk,” job applicants.

WHAT IS THE FEDERAL BONDING PROGRAM?

The Federal Bonding Program serves as a job placement tool by guaranteeing to an employer the job honesty of “at-risk,” hard-to-place job applicants.

- The Federal Bonding Program issues fidelity bonds, which are business insurance policies that protect employers in case of theft, forgery, larceny, or embezzlement of money or property by an employee who is covered by the bond. The bond coverage is usually \$5000 with no deductible amount of liability for the employer. Higher amounts of coverage, up to \$25,000, may be allowed if justified. The bond does not cover liability due to poor workmanship, job injuries, or work accidents.
- Bond packages are issued by the Department of Labor to a purchasing organization such as a job placement agency or employer. The purchasing organization can be public or private, nonprofit or for profit. Then, the job placement organization or employer is able to bond individuals who other bonding agencies usually will not, such as individuals with criminal records.
- The bond is put into effect instantly on the first day of employment. The employer simply makes the applicant a job offer and sets a date for the individual to start working. There are no forms or other papers for the employer to sign, and no processing to delay matters.

WHO IS ELIGIBLE FOR THE FEDERAL BONDING PROGRAM?

- Bond coverage is provided for any at-risk job applicant whose background usually leads employers to question their honesty and deny them a job. This includes people with criminal records, people in treatment or recovery for alcohol and/or other drug addictions, and people with little or no work history, including people transitioning from welfare to work.
- All jobs are bondable in private and public sectors, full and part-time positions, as well as jobs secured through temporary agencies. The bond insurance is free to the employer. It goes into effect the first day of the job applicant’s employment and will terminate after six months. After the six months, continued coverage can be purchased under the program’s bond.

PROGRAM REQUIREMENTS

- The worker must meet the State's legal age for working.
- Workers must be paid wages with Federal taxes automatically deducted from the pay.
- The employer must make the applicant a job offer and set a date for the individual to start work.
- Bonds also can be issued to cover an already employed worker who needs bonding in order to (a) prevent being laid off, or (b) secure a promotion to a new job at the company.

EFFICIENCY AND EFFECTIVENESS OF THE PROGRAM

- Bonding services as a job placement tool has achieved a 99% success rate. About 41,000 job placements have been made for at-risk persons who were automatically made bondable.
- It encourages employers to hire people with criminal records. A survey of "Employer Attitudes Toward Hiring Ex-Offenders," published in The Prison Journal, determined that employers were much more willing to hire people with criminal records who are bonded. The report states "bonding was the only variable to which the majority of employers (51%) responded favorably."
- It reduces reincarceration rates and saves money. A Texas A&M comparison group study found that people with criminal records who were released from Texas State prisons and were job placed by the Texas Employment Commission (Project RIO) through use of bonding and other services, had their reincarceration rate reduced by 40%. Most important was that "RIO saved Texas over \$10 million per year in potential reincarceration costs, and participants who secured employment generated about \$1000 per year in State and local taxes."

PROGRAM HISTORY

- Purchasers of the bonds include State employment agencies, Workforce Investment Boards and One-Stop Centers, organizations employing people with criminal records, State departments of corrections, private sector organizations and veteran's initiatives.
- In 1966, the U.S. Department of Labor created the Federal Bonding Program. The Fidelity Bonds issued under the Program are insurance policies of the Travelers Property Casualty Insurance Company. The McLaughlin Company in Washington, DC is the agent for Travelers in managing the program nationwide.

To locate your State Federal Bonding Coordinator, visit our [Resources, Information, and Assistance](#) section. For more information, please contact:



Program Director
Federal Bonding Program, DOL-ETA
1725 DeSales Street, NW Suite 700
Washington, D.C. 20036
National Hotline 1-877-872-5627

Also visit <http://www.bonds4jobs.com/> or the Department of Labor's website: <http://www.doleta.gov/wwt/documents/fedbonding.cfm>.

Copyright © 2004 by the [National H.I.R.E. Network](#). All Rights Reserved.

This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

JUVENILE JUSTICE GLOSSARY

5th Amendment

Amendment that guarantees citizens the right to trial by jury, and the right to withhold self-incriminating statements.

14th Amendment

Amendment that guarantees citizens equal treatment under the law by due process trial rights.

Acquit

To find a defendant not guilty in a criminal trial.

Adjudicate

To remove a case through judicial decision. Many juvenile justice cases are heard without the assistance of a jury. In such cases the judge will hear the case and prescribe the best course of action, thus “removing” it from the court.

Aftercare

The probationary period following a youth's release from a juvenile facility. During this time the youth's behavior will be followed by the juvenile court, and he or she may be required to meet specific probationary obligations.

Bail

An amount of money determined by the judge and posted with the court clerk as security when a defendant is released before and during his or her trial with the agreement that he or she will return to court when ordered to do so.

Commit

To lawfully send a person to prison, a reformatory or an asylum.

Concurrent jurisdiction

If a crime falls under the jurisdiction of both the juvenile court and the criminal court, the prosecutor has the liberty to decide where to file the case.

Confidentiality protection

A youth's records may be made available to schools, youth agencies, law enforcement officials, prosecutors, victims, and the public only under certain, specified circumstances. Juvenile confidentiality is guarded by each State's provisions.

Consent decree

A youth who has admitted to committing delinquent acts may have his/her case dismissed by fulfilling obligations to the court and the injured party. These obligations are set out in a consent decree and often include restitution, mandatory curfew, increased school attendance, and rehabilitation.

Convict

1. To find a person guilty of a charge (verb).
2. One who has been found guilty of a crime or misdemeanor; usually refers to convicted felons or prisoners in penitentiaries (noun).

Court, juvenile

Division of superior court that deals with the conduct and circumstances of children under the age of 18.

Court, municipal

Court whose jurisdiction is confined to a city or local community. In Washington, jurisdiction is generally limited to criminal and traffic offenses arising from violation of local ordinances.

Court, district

Court of limited jurisdiction where civil cases up to \$50,000 and small claims cases up to \$2,500 can be heard. Criminal and gross misdemeanors and traffic citations are also heard in district court.

Criminal court

U.S. criminal courts have traditionally dealt with adults accused of committing criminal acts. Increasingly, however, juveniles are being tried in criminal court.

Deinstitutionalization

The Juvenile Justice and Delinquency Prevention Act of 1974 called for a “deinstitutionalization” of juvenile status offenders, requiring them to be removed from secure detention facilities. Throughout the history of the juvenile justice system, numerous movements have been formed to ensure that youths are not unnecessarily kept in secure detention and correctional facilities.

Delinquency petition

A petition filed by a prosecutor asking for a youth to be declared “delinquent” by the juvenile court. An adjudicatory hearing will determine if the youth is culpable.

Disposition hearing

A hearing that is scheduled if a youth has been found delinquent by the juvenile court. The probation office, prosecutor, and juvenile are permitted to propose disposition strategies. Recommendations frequently include drug rehabilitation, limited (weekend) confinement, restitution, and residential placement.

Due process

Constitutional guarantee that an accused person receive a fair and impartial trial.

Expungement

1. Expungement: when a record gets “expunged” it is as if the crime never occurred. Each law enforcement agency expunges, or destroys, their records.
2. Sealed: when a record gets “sealed”, the file remains intact. It is labeled as “sealed” and can only be released to other law enforcement agencies. Employers will not have access to the records.

Felony

A crime of graver nature than a gross misdemeanor and carrying a penalty of more than a year in prison.

Guardian ad litem

A person appointed by a court to manage the interests of a minor or incompetent person who is involved in litigation.

Informal disposition

Held when a youth admits guilt to a crime in an informal juvenile hearing. During the disposition, the requirements of the court are laid out in a consent decree.

Judicial waiver

A judge may waive the juvenile court's authority over certain cases, sending them to be heard in criminal court.

Jurisdiction

The legal authority of a court to hear and decide a case. Concurrent jurisdiction exists when two courts have simultaneous responsibility for the same case.

Jury

Specific number of people (usually 6 or 12), selected as prescribed by law to render a decision (verdict) in a trial.

Juvenile delinquency

A delinquency act is an act that would be considered criminal, if not for the fact that it was committed by a juvenile. A juvenile is defined in the U.S. Code as a person under the age of 18, though some States define juvenile as under the age of 15, 16, or 17.

LEAA - Law Enforcement Assistance Administration

Mandatory waiver - Under mandatory waiver laws, a juvenile court receives and reviews a case but, under certain circumstances, is required to transfer it to criminal court.

Misdemeanor

Usually a petty offense, a less serious crime than a felony, punishable by less than a year of confinement in a jail or other local facility, and/or a fine.

Offender

While this definition can differ in some States, in general an offender is:

1. A person who has committed a felony, as established by State law, and is 18 years of age or older.
2. A person who is less than 18 but whose felony case has been transferred by the juvenile court to a criminal court.

Parens patriae

Translates roughly to "State as parent." This is the idea that the State has a responsibility to play a parental role to youths who have been neglected by their parents.

Parole

Community supervision that may follow the completion of incarceration in a State or Federal correctional facility, State or Federal prison, or in a county correctional facility. Usually is a discretionary and conditional release of an offender from prison to serve the remainder of his/her sentence under supervision in the community. Offenders who have served time in a State or Federal correctional facility are placed on parole when released.

Probation

Probation is a sentencing alternative that provides selected offenders the opportunity to serve a criminal sentence in the community under the supervision of a Probation Department that enforces rules set out by a court. An offender who is given a probationary sentence may or may not have served time in a county jail. Once released, the offender is put on probation or county parole, depending on the offense and prior record.

Prosecute

To charge someone with a crime. A prosecutor tries a criminal case on behalf of the government.

Remand

To send back. A disposition by an appellate court that results in sending the case back to the original court from which it came for further proceedings.

Restitution

Act of giving the equivalent for any loss, damage, or injury.

Reverse Waiver

A youth being tried in the adult system may request to be transferred into the juvenile justice system.

Sentence

Judgment formally pronounced by a judge upon a defendant following conviction in a criminal prosecution.

Sentence, concurrent

Two or more sentences which run at the same time.

Sentence, consecutive

Two or more sentences which run one after another.

Sentence, deferred

An alternative to a prison sentence consisting of probation, jail, or other appropriate condition.

Sentence, determinate

A sentence that states exactly the number of actual years, months, or days of total confinement, partial confinement, or community supervision, or the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender can, through “earned early release”, reduce the actual period of confinement, does not affect the classification of the sentence as a determinate sentence.

Sentence, suspended

Execution of the sentence has been withheld by the court based on certain terms and conditions.

Status offender

A juvenile who has committed an act that is only considered a law violation because of his or her status as a juvenile. Some examples of status offenses are underage alcohol consumption, truancy from school, general “ungovernability,” violation of curfew, and running away from home.

Status offenses

Behaviors that are law violations only if committed by a person of juvenile status. Such behaviors included running away from home, ungovernability (being beyond the control of parents or guardians), truancy, status liquor law violations (e.g., underage drinking, which also applies to young adults up to age 20), and other miscellaneous offenses that apply only to minors (e.g., curfew violations and tobacco offenses).

Statutory exclusion

State juvenile courts do not have jurisdiction over certain cases. If a youth has been accused of committing a crime outside of the juvenile court’s jurisdiction, he or she will deal directly with the criminal court. No transfer of the case through the Juvenile Justice System will be necessary.

Waiver petition

A prosecutor or intake officer may petition the court to allow a case normally under the jurisdiction of the juvenile court to be heard in criminal court.

Vacating a Record of Conviction

In some States, an offender may apply to the sentencing court to set aside a conviction. The court may clear the record of conviction and the fact that the offender has been convicted of the offense shall not be included in the offender’s criminal history record.



Youthful Offender

“Youthful offender” status may be given to a juvenile being tried in the criminal justice system. The status usually guarantees that the proceedings will not be open to the public and that after turning 21 the youth’s criminal record will be cleared, provided court requirements have been met.

SOURCES

<http://www.usdoj.gov/usao/eousa/kidspage/glossary.html>

<http://www.courts.wa.gov/>

http://www.ncjrs.org/html/ojjdp/jjbul2000_10_3/page6.html



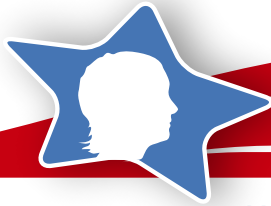


Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

NEGLIGENT HIRING CONCERNS

One reason employers often give for refusing to hire individuals with a criminal record is the fear that they will incur liability if they hire a person with a conviction record who later commits a new crime. This is known as negligent hiring.

While State standards differ, the key to determining liability is usually whether the employer could have foreseen the crime: specifically, whether the employee had a history or propensity for harmful behavior and, most importantly, whether the employer knew or should have known of the employee's propensities. Ordinarily, an employer's reasonable efforts to check and consider a prospective employee's background will generally satisfy the legal requirements and eliminate the risk of liability on the employer's part.

Federal law discourages employers from having a blanket policy of denying employment to individuals with criminal histories. Guidance from the Equal Employment Opportunity Commission requires employers to make individualized assessments about the appropriateness of hiring a particular applicant (Equal Employment Opportunity Commission, Notice No. N-915, Policy Statement on Issue of Conviction Records under Title VII of the Civil Rights Act of 1964, [February 4, 1987]). Employers must give full consideration to certain factors including:

- The nature and gravity of the offense(s);
- The time that has passed since the conviction and/or completion of the sentence; and
- The nature of the job held or sought.

There are resources available to employers who hire individuals with criminal records that can be used as a way for employers to protect themselves. The [Federal Bonding Program](#) is available to employers who have concerns about hiring qualified but "at-risk" job applicants. The U.S. Department of Labor issues Fidelity Bonds, which are business insurance policies that protect employers in case of theft, forgery, larceny or embezzlement of money or property by an employee who is covered by the bond. The bond coverage is usually up to \$5,000 with no deductible amount of liability for the employer. Higher amounts of coverage may be allowed if justified. The bond does not cover liability due to poor work performance, job injuries, or work accidents.

Employers can partner with local community-based organizations that serve as a third party intermediary. These agencies offer support services to the employer by providing:

- cost savings by lowering the employer's recruitment costs by matching qualified applicants to the employer's available positions;
- pre-screening and pre-training that suits the employer's needs; and
- retention services to the recruited employee.

Examples of successful partnerships are available in [Programs that Work](#).

Copyright © 2004 by the [National H.I.R.E. Network](#). All Rights Reserved.

This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

END NOTES

1. OJJDP Statistical Briefing Book. Online. Available: <http://ojjdp.ncjrs.org/ojstatbb/court/qa06501.asp?qaDate=20030811>. August 11, 2003. (Access 5/14/04).
2. Id.
3. Id.
4. Rutherford, R.B., Bullis, M., Anderson, C.W., & Griller-Clark, H.M. (In press) Youth with special education disabilities in the correctional system: Prevalence rates and identification issues. Youth with Learning and Other Disabilities in the Juvenile Justice System. Washington, DC: US Department of Justice.
5. Handle With Care: Serving the Mental Health Needs of Young Offenders (2000). Coalition for Juvenile Justice Annual Report 2000. <http://www.juvjustice.org/publications/2000ar.html>
6. US Department of Labor Employment and Training Administration. Online. Young Offender Initiative: Reentry Program. <http://www.doleta.gov/sga/sga/01-109sga.htm>
7. Id. Youth Programs Overviews. http://www.doleta.gov/youth_services/Programs_Services.cfm.
8. United State Department of Health and Human Services. Online. <http://www.hhs.gov/news/facts/privacy.html>.
9. *Counting Matters: Prison Inmates, Population Bases, and "One Person, One Vote"*, by Taren Stinebrickner-Kauffman 11 Va. J. Soc. Pol'y & L. 229, 303. (Winter 2004).
10. Szymanski, L. National Center for Juvenile Justice. On-line. <http://www.ncjj.org/stateprofiles/>.
11. Szymanski, L. Megan's Law: Juvenile Sex Offender Registration Age Limits (2003 Update). NCJJ Snapshot 8(5). Pittsburgh, PA: National Center for Juvenile Justice, 2003. On-line. <http://www.ncjj.org/stateprofiles/>.
12. Szymanski, L. Statutory Exclusion, Offense Exclusion, Legislative Waiver, Statutory Waiver (2001 Update). NCJJ Snapshot 7(5). Pittsburgh, PA: National Center for Juvenile Justice, 2002. On-line. <http://www.ncjj.org/stateprofiles/>.
13. Griffin, Patrick. 2003. "National Overviews." State Juvenile Justice State Profiles. Pittsburgh, PA: NCJJ. Online.
14. Id.
15. Szymanski, L. "Once an Adult/Always an Adult" (2001 Update). NCJJ Snapshot 7(7). Pittsburgh, PA: National Center for Juvenile Justice, 2002.
16. Id.

17. Retail Theft and Inventory Shrinkage: 2002 Retail Security Survey Shows U.S. Retailers Losing \$31 Billion to Theft. Online. <http://retailindustry.about.com/library/weekly/02/aa021126a.htm>.
18. Ariz. Rev. Stat. § 41-1750G(1-19).
19. Ariz. Rev. Stat. §§ 41-1750 and 41-1751.
20. Wash. Rev. Stat. § 10.97.050.
21. See 15 U.S.C. §§1681 et seq.
22. For more information on the Institute for Community Inclusion visit <http://www.communityinclusion.org/>.
23. Serving the Mental Health Needs of Youth in the Juvenile Justice System, by Lourdes Rosado, Winter 2002, Issues of “Sharing” newsletter of the Parents Involved Network of Pennsylvania. <http://www.jlc.org/home/mentalhealth/youth.html>.
24. Id.
25. Kelly, J. S. (1995). *Retention and Motivation in Job Training Programs*. Kissimmee, Florida: Cygnet Associates. <http://www.cygnetassociates.com>.
26. Cocozza, J. J. & Skowyra. Youth With Mental Health Disorders: Issues and Emerging Responses. Juvenile Justice, Volume 7(1): 3-13, April 2000, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C. http://www.ncmhjj.com/pdfs/publications/Youth_with_Mental_Health_Disorders.pdf.
27. Kelly, J. S. (1995). *Retention and Motivation in Job Training Programs*. Kissimmee, Florida: Cygnet Associates. <http://www.cygnetassociates.com>.
28. *Handle With Care*: Serving the Mental Health Needs of Young Offenders (2000). Coalition for Juvenile Justice Annual Report 2000. <http://www.juvjustice.org/publications/2000ar.html>.
29. Kelly, J. S. (1995). *Retention and Motivation in Job Training Programs*. Kissimmee, Florida: Cygnet Associates. <http://www.cygnetassociates.com>.
30. Evans, W., et al. (1996). Suicide ideation, attempts, and abuse. *Child & Adolescent Social Work Journal*, 13(1).
31. Kelly, J. S. (1995). *Retention and Motivation in Job Training Programs*. Kissimmee, Florida: Cygnet Associates. <http://www.cygnetassociates.com>.
32. Id.
33. Labor Forecasting: Where Will the Jobs Be in the Future?, National H.I.R.E. Network (November 2003). http://www.hirenetwork.org/pdfs/Labor_Forecasting.pdf.





Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

WORK OPPORTUNITY TAX CREDIT

The Work Opportunity Tax Credit (WOTC) can earn an employer as much as \$2,400 in tax credits when they hire a worker who has historically had a hard time landing a job and meets qualifying criteria. It's easy to do. All an employer has to do is hire someone from one of the targeted populations, fill out the Pre-Screening Notice (IRS 8850) and Individual Characteristics Form (ETA 9061) and make sure the forms are sent in a timely manner to the State WOTC unit. Note: The IRS 8850 needs to be postmarked within 21 calendar days from the start date of employment.

There are 10 different populations that are targeted for this program: Aid for Families with Dependent Children (AFDC) recipient or Temporary Assistance for Needy Families (TANF) recipient; Veteran; ex-felon; person living in Empowerment Zone/Enterprise/Renewal Community; Summer Youth (in EZ/EC zone); person completing a Vocational Rehabilitation plan; Food Stamp recipient; Supplemental Security Income recipient; Welfare-to-work long-term assistance recipient; and NY Liberty Zone Business employee (businesses specifically affected by 9/11/01 attacks). For example, an ex-felon who has a hiring date that is not more than one year after the last date on which they were convicted or released from prison, and is a member of an economically disadvantaged family is qualified for WOTC. In the case of ex-felons, their work-release activities also qualify them.

An employer can get a tax break of up to 40 percent on the first \$6,000 paid to a qualified worker. That adds up to a \$2,400 tax credit for filling a job they planned to fill anyway. The new employee must work 400 hours to earn \$2,400. However, if the new employee only works 120 to 399 hours an employer can still receive a credit of up to 25 percent of the qualified first year wages up to \$6,000. This allows a credit of \$1,500.

For States in Region 6, information about WOTC can be obtained through the sources listed below. More information on the tax credit program as well as the required forms can also be accessed on the U.S. Department of Labor's Internet address at: <http://www.usese.doleta.gov/wotcdata.asp>.

State	Contact WOTC Unit
Alaska	907-465-5955
Arizona	602-542-6336 Public Number
California	1-866-593-0173
Hawaii	808-586-8819
Idaho	208-332-3570 x3318
Nevada	775-684-0321
Oregon	503-947-1672
Washington	1-800-669-9271

NOTE: The WOTC program expired on Dec. 31, 2003, and the terms of reauthorization are being considered in Congress at printing (July 2004). However, since reauthorization is expected, employers are asked to continue to file timely applications. The States are processing applications at this time, but certifications cannot be sent out for applications received after Dec. 31, 2003, until the program has been reauthorized. Once the program is back, it is expected that all certifications that have been on hold for employers who submitted timely applications (within 21 days of the person's start date) will be issued.



This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



Table of Contents
Introduction

Chapter One: Overview
Chapter Two: Know the Score
Chapter Three: Career Planning
Chapter Four: Resources

Glossary
Appendices

STATE RECORDS REPOSITORIES AND FBI UNIT

Criminal record repositories are the agencies individuals may contact to obtain a copy of their State rap sheet and learn about the process of sealing, expunging, or cleaning it up. The criminal record repository can also tell the individual who else is legally entitled to have access to his or her record.

Alaska Department of Public Safety
Administrative Services
Bureau of Records & Identification
5700 East Tudor Rd.
Anchorage, AK 99507
907-269-5767

Web Site: <http://www.dps.state.ak.us>

** To obtain a criminal history, a cover letter explaining why the history is needed must be sent. Included must be the applicant's name and address, a full set of fingerprints and a \$35 fee payable to "The State of Alaska."

Arizona Department of Public Safety
Criminal History Records Section
ATTN/DAYSHIFT
P.O. Box 184450
Phoenix, AZ 85005
602-223-2229

Web Site: <http://www.dps.state.az.us/cjsd>

** Individuals requesting a copy of their criminal record must submit a full set of fingerprints to the address above. A copy of the record will be mailed to the requester or his/her attorney within 30 days.

California Department of Justice
Record Review Unit
P.O. Box 903417
Sacramento, CA 94203-4170
916-227-3835

** Fingerprints and the reason for requesting a copy of a criminal history must be submitted, along with a \$25 fee, to the California Department of Justice.

Hawaii Criminal Justice Data Center
Department of the Attorney General
Kekuanao's Bldg., Room 101
465 South King St.
Honolulu, HI 96813
808-548-3100
Web Site: <http://www.state.hi.us/hcjd>

** Conviction data may be accessed on Public Access computers at the Data Center, the main county police departments, and the Kona Police Department on Monday through Friday from 8:00 a.m. to 4:30 p.m. To search the conviction database, the subject's name, social security number, sex, and birth date are needed. A printed copy of a Public Access search costs \$10. If some of the personal identification information for the subject to be checked is unknown, the Data Center will conduct a name-based check for \$15. The Data Center will conduct a fingerprint-based access and review request (for the individual) for \$25.

Bureau of Criminal Identification
Idaho Department of Law Enforcement
P.O. Box 700
700 S. Stratford Drive
Meridian, ID 83680
208-884-7130
208-884-7193 fax
Web Site: http://www.isp.state.id.us/identification/crime_history/

** An individual should complete a Bureau of Criminal Identification Idaho Personal Criminal History Records Check form and attach a completed fingerprint card to obtain a certified copy of a criminal record. A \$10 fee payable to the "Idaho State Police" is required as well. Forms are available from the web site listed above.

Nevada Department of Public Safety
Nevada Highway Patrol
Records and Identification Bureau
808 West Nye Lane
Carson city, NV 89703
775-687-1600
Web Site: <http://nvrepository.state.nv.us/>

** The subject of a Nevada criminal record can obtain a copy by completing form NHP-006, a fingerprint card with the subject's fingerprint impressions, and a money order or certified check for \$15 made payable to the "Nevada Highway Patrol."

Oregon State Police
Identification Services Section
Unit 11
P.O. Box 4395
Portland, OR 97208
503-378-3070
Web Site: <http://www.osp.state.or.us>

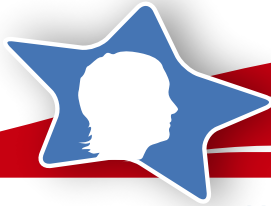
** To obtain an Oregon criminal history report or a clearance letter indicating that no Oregon criminal history exists, submit a completed "Own Record Request Form" (available on the web site), copy of fingerprints and a \$12 check or money order payable to Oregon State Police. Notarized requests are an additional \$5.

Washington State Patrol
Identification and Criminal History Section
P.O. Box 42633
Olympia, WA 98504
360-705-5100
E-Mail: crimhis@wsp.wa.gov
Web Site: <http://www.wa.gov/wsp/>

** A non-refundable \$10 fee is required for each record requested by name and date of birth. A non-refundable \$25 fee is required for a fingerprint search. Fees must be submitted with the request for information, payable to the "Washington State Patrol" by cashier's check, money order, or commercial business account. Each written response takes from three to 10 weeks to complete.

Federal Bureau of Investigation
FBI CJIS Division – Record Request
1000 Custer Hollow Rd.
Clarksburg, WV 26306
Website: <http://www.fbi.gov/hq/cjisd/fprequest.html>

** To receive a copy of an FBI record under the Freedom of Information Act, the individual must send a written request that includes his or her name, date and place of birth, a full set of fingerprints (obtainable through local law enforcement), and a certified check or money order payable to the "Treasury of the United States" for \$18. Requests may only come from the individual to whom the record belongs, not a third party agency. If the requestor cannot afford to pay the fee he or she should include a notarized letter stating he or she receives public assistance and cannot afford the fee.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

SEALING OR EXPUNGEMENT OF CRIMINAL RECORDS

ALASKA

Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Yes, arrests that have resulted from mistaken identity or false accusation can be sealed. Alaska Stat. § 12.62.180.

If so, what is the effect of having an arrest sealed?

The individual may answer that s/he has never been arrested. Alaska Stat. § 12.62.180(d).

Can criminal conviction records be sealed (including expunged, erased, or purged)?

No, for the most part. Only convictions that have resulted from mistaken identity or false accusation can be sealed. Alaska Stat. § 12.62.180.

The court shall seal most juvenile records (except for traffic offenses, class A & B felonies against the person or first degree arson) within 30 days of a minor's 18th birthday or within 30 days of the court's release of jurisdiction, whichever is later. If charged as an adult, most juvenile records (except for traffic offenses and certain serious felonies) may be sealed five years after completion of the sentence or five years after the records are made public. Alaska Stat. §§ 47.12.300(d) and (f).

If so, what is the effect of having a conviction sealed?

The individual may deny the existence of the record. Alaska Stat. § 12.62.180(d).

Sealed juvenile records may not be used for any purpose except for presentencing reports or the court may order their use good cause. Alaska Stat. §§ 47.12.300(d) and (f).

ARIZONA

Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Records of wrongful charges, arrests, and indictments may be purged upon petition to the superior court. Ariz. Rev. Stat. § 13-4051.

If so, what is the effect of having an arrest sealed?

The records may be released only upon court order. Ariz. Rev. Stat. § 13-4051.

Can criminal conviction records be sealed (including expunged, erased, or purged)?

In some instances. Except for the following types of offenses, adult conviction records may be set aside upon fulfillment of probation and discharge: (1) those involving serious physical injury; (2) those involving a deadly weapon or dangerous instrument; (3) sexual offenses and offenses against minors requiring registration; (4) those involving "sexual motivation;" (5)

those involving minors under 15 years of age; and (6) certain motor vehicle offenses. Ariz. Rev. Stat. § 13-907.

Individuals 18 years of age and older may apply to have many juvenile delinquency or incorrigibility adjudications set aside upon discharge from probation or absolute discharge unless the individual has a subsequent criminal conviction, criminal proceedings pending, or has not paid all restitution or assessments. Ariz. Rev. Stat. § 8-348.

If so, what is the effect of having a conviction sealed?

For adult conviction records, a notation stating “vacated per ARS § 13-907” will appear on the individual’s record. The conviction may not be used against the individual in the future, except as a prior offense in the prosecution of criminal offenses. Ariz. Rev. Stat. § 13-907.

Upon setting aside a juvenile delinquency or incorrigibility adjudication, the court will order the individual “released from all penalties and disabilities resulting from the adjudication.” The record may still be used for purposes of adult criminal prosecutions and by the Department of Transportation. Ariz. Rev. Stat. § 8-348(B). Unless convicted of or adjudicated delinquent for certain adult felony or DUI offenses, the juvenile court records may be destroyed if in the interests of justice and destruction would further the rehabilitative process of the applicant. Individuals 25 years of age or older may apply for destruction of the excluded adult felony and DUI offenses. Ariz. Rev. Stat. § 8-349.

CALIFORNIA

Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Yes. Most arrest records can be sealed, except for infractions. Certain minor marijuana arrests can be purged. Cal. Penal § 851.8(a), (i), and (n) and Cal. Health & Safety § 11361.5(b)(1)-(4).

If so, what is the effect of having an arrest sealed?

When “sealed,” the arrest record is removed from the rap sheet. Most records are destroyed three years after the arrest and the individual may generally answer that s/he has never been arrested. However, law enforcement and health care facilities may still ask about sealed information and the records may be used under the “three strikes” law in future criminal prosecutions. Cal. Labor § 432.7(f)(1), (2); Cal. Penal §§ 667(d)(3), 851.8(f) and 13203.

“Purging” a record means the information is removed from the rap sheet and the records are destroyed. While an individual may generally answer that s/he has never been convicted, individuals may be required to reveal these records when applying for law enforcement employment. Cal. Code Regs. tit. 2 § 7287.4(B); Cal. Health & Safety § 11361.5(c) and Cal. Penal § 13203.

Can criminal conviction records be sealed (including expunged, erased, or purged)?

Yes, many adult misdemeanor and felony convictions can be expunged, except for certain serious felonies, specific misdemeanor motor vehicle offenses, and infractions. Certain minor marijuana convictions may be purged. Cal. Health & Safety § 11361.5(b)(1)-(4) and Cal. Penal § 1203.4(a) and (b).

Unless subsequently convicted of a felony or misdemeanor of moral turpitude, individuals may apply for sealing of many juvenile ward of the court adjudications upon reaching 18 years of age or 5 years after disposition, whichever comes first. Cal. Wel. & Inst. § 781(a).

If so, what is the effect of having a conviction sealed?

Under most circumstances, private employers may not inquire regarding expunged adult convictions. However, the expunged conviction still appears on the individual’s rap sheet with a notation that the conviction has been “set aside and dismissed.” (Per central repository.)



Expunged conviction records must be revealed for public employment, public office, occupational licensure, and health care employment if the position requires patient contact or access to medication. Cal. Code Regs. tit. 2 § 7287.4(d)(1)(B); Cal. Labor § 432.7(f)(1) and (2); and Cal. Penal § 1203.4(a).

Purged conviction records are removed from the rap sheet and the records are destroyed. Except for law enforcement agencies, public and private employers and occupational licensing agencies may not inquire regarding purged records. Cal. Code Regs. tit. 2 § 7287.4(d)(1)(B); Cal. Health & Safety § 11361.5(c); and Cal. Penal § 13203.

Individuals may deny the existence of sealed juvenile records. Most juvenile records will be destroyed five years after sealing. Cal. Wel. & Inst. § 781(a) and (d).

HAWAII

Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Arrests not leading to conviction are expunged upon application, unless a conviction was not obtained because of bail forfeiture, self-imposed absence from the jurisdiction, or physical or mental disorder. A one-year waiting period is required in cases wherein a plea of guilty or nolo contendere is deferred. Haw. Rev. Stat. § 831-3.2.

Juvenile arrests may also be expunged if dismissed with prejudice, not referred to the prosecuting attorney, or if the person arrested was not adjudicated responsible. Haw. Rev. Stat. § 571-88(a).

If so, what is the effect of having an arrest sealed?

Upon receipt of expungement certificate, the individual may deny the record of the arrest without penalty. Haw. Rev. Stat. § 831-3.2.

Individuals may deny the existence of the record if a juvenile arrest is expunged. Haw. Rev. Stat. § 571-88(e).

Can criminal conviction records be sealed (including expunged, erased, or purged)?

Adult criminal convictions may not be sealed.

If so, what is the effect of having a conviction sealed?

N/A

IDAHO

Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Upon written request to the Idaho State police, fingerprints and criminal history record are expunged for arrests not leading to indictment within one year of arrest or arrests not leading to conviction. Idaho Code § 67-3004(10).

If so, what is the effect of having an arrest sealed?

The statute does not address the effect of expungement.

Can criminal conviction records be sealed (including expunged, erased, or purged)?

Adult criminal convictions may not be sealed.

Persons adjudicated as a juvenile may petition for expungement of record five years from the termination of court's jurisdiction or, if committed to a juvenile corrections center, five years

after release or at age eighteen (whichever is later). A juvenile's conviction for specific violent, sexual or drug trafficking and manufacturing crimes cannot be expunged. Idaho Code § 20-525A.

If so, what is the effect of having a conviction sealed?

Upon entry of expungement order for a juvenile offense, the case is deemed to have never occurred. Idaho Code § 20-525A(3).

NEVADA

Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Yes, arrests resulting in dismissal or acquittal may be sealed, provided there is no evidence that further action will be brought against the individual. Nev. Rev. Stat. § 179.255. Individuals who have been acquitted, had their charges dismissed, or have had favorable dispositions may also apply to the central repository to remove the record from the files generally searched for criminal history inquiries. The record will be removed unless the individual is a fugitive, the case is under active prosecution, the case's disposition was a deferred prosecution, plea bargain, or other similar disposition, the individual has a prior gross misdemeanor or felony conviction, or the individual has been arrested or charged with another crime (other than minor traffic violations) since the arrest s/he seeks to have removed. Nev. Rev. Stat. § 179A.160.

If so, what is the effect of having an arrest sealed?

The proceedings are deemed never to have occurred, individual may answer that s/he has never been arrested, and the individual's civil rights are restored. Nev. Rev. Stat. § 179.285.

Can criminal conviction records be sealed (including expunged, erased, or purged)?

Certain convictions for possession of a controlled substance not for purpose of sale may be sealed after 3 years if the individual fulfills the terms and conditions of probation and/or parole and the court is satisfied that s/he is rehabilitated. Nev. Rev. Stat. § 453.3365.

Except for a crime against a child or a sexual offense, an eligible person may have his or her conviction record sealed following successful completion of reentry program. To be eligible, a person may have been convicted of a single, non-violent felony. Nev. Rev. Stat. § 179.259. Except for convictions of a crime against a child or sexual offense, convictions may be sealed once a specified period of time has passed since release from custody or discharge from parole or probation (whichever is later), so long as the individual has not been convicted during the prescribed period (except for minor moving or traffic violations) and s/he has no charges pending against him or her: 15 years for an A or B felony; 12 years for a C or D felony; 10 years for an E felony; 7 years for a gross misdemeanor, misdemeanor DUI, or domestic violence battery misdemeanor; 3 years for other misdemeanors. Nev. Rev. Stat. § 179.245. In addition, most juvenile records may be sealed 3 years after the child is declared a ward of the court, or 3 years after the child is referred to the juvenile court if the child is not declared a ward of the court, provided that during the prescribed period s/he has not been convicted of a misdemeanor of moral turpitude or felony and the court finds sufficient evidence of rehabilitation. Most juvenile records must be automatically sealed when the child turns 21. However, delinquencies for sexual assault, battery with intent to commit sexual assault, lewdness with a child, an act involving the use or threatened use of force or violence may be sealed after the child reaches 30 years of age provided the child has not been convicted of any offense (except for minor moving or traffic violations) since the age of 21. Nev. Rev. Stat. § 62.370. Juvenile records relating to a child cannot be sealed while the child is subject to community notification as a juvenile sex offender or if the child is deemed an adult sex offender or is convicted of a sexual offense before reaching 21 years of age. Nev. Rev. Stat. § 62.600.



If so, what is the effect of having a conviction sealed?

The individual may state that s/he has never been convicted and the person's civil rights are restored. Nev. Rev. Stat. §§ 179.285 and 62.370.

OREGON**Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?**

Acquittals, dismissals, and many arrests that did not lead to conviction (except for traffic offenses) may be set aside after one year, unless the individual has currently pending criminal proceedings, an arrest for an unrelated charge within the preceding 3 years, or a conviction within the preceding 10 years (except for motor vehicle offenses). Or. Rev. Stat. §§ 137.225 (1)(b), (6), and (7).

If so, what is the effect of having an arrest sealed?

If set aside, the individual may deny the existence of the arrest. Or. Rev. Stat. § 137.225 (3).

Can criminal conviction records be sealed (including expunged, erased, or purged)?

Except for certain violent, sexual, and traffic offenses, many adult convictions may be set aside after 3 years have elapsed following completion of the sentence, including class C felonies, felony marijuana possession, crimes punishable as misdemeanors or felonies (at the judge's discretion), misdemeanors for which imprisonment may be imposed, and violations. To be eligible, individuals may not have currently pending criminal proceedings or other convictions within the preceding 10 years (except for motor vehicle offenses). Or. Rev. Stat. §§ 137.225 (1)(a) and (6).

Juvenile records may be expunged if 5 years have elapsed since termination of the court's jurisdiction, no criminal or juvenile proceedings are currently pending, the individual has not subsequently been convicted of a felony or class A misdemeanor, and the individual is not currently under investigation by the juvenile department. If the individual has reached 18 years of age, the court shall order expungement if these criteria are met or if s/he was never found within the juvenile court's jurisdiction. Juvenile records may also be expunged at any time if the court finds expungement in the best interest of the individual and the public. Or. Rev. Stat. §§ 419.A.262(2), (4), and (7).

If so, what is the effect of having a conviction sealed?

If an adult conviction is set aside, the individual may deny the existence of the conviction. Or. Rev. Stat. § 137.225 (3).

If a juvenile record is expunged, the individual may deny existence of the record. Public employers and occupational licensing authorities may not ask about or discriminate based upon expunged juvenile records. Or. Rev. Stat. §§ 419A.262(20) and 670.290.

WASHINGTON**Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?**

Under most circumstances, unless the individual is a fugitive or the proceedings are actively pending, nonconviction data may be deleted two or more years after a disposition favorable to the defendant such as an acquittal or dismissal has been entered, or three years from an arrest, citation, or warrant for which a conviction was not obtained. The agency maintaining the data may refuse to delete the information if the disposition was a deferred prosecution or similar diversion, the individual has a prior felony or gross misdemeanor conviction, or has been arrested or charged with another crime during the waiting period. Wash. Rev. Code § 10.97.060.

If so, what is the effect of having an arrest sealed?

The law makes no reference to the effect of deletion of nonconviction information.

Can criminal conviction records be sealed (including expunged, erased, or purged)?

Yes. Upon completion of all the sentencing requirements, the Department of Corrections will notify the sentencing court, which will discharge the offender and provide him or her with a certificate of discharge. An offender who is not convicted of a violent or sexual offense and is sentenced to community supervision may apply for discharge upon completion of at least one-half of the term and if s/he has met all other sentencing requirements. Upon discharge, the individual may apply to the sentencing court for vacation of the conviction record. The record may not be cleared if there are any criminal charges pending in any court in any jurisdiction, the individual has been convicted of a new crime in any jurisdiction since the discharge, the offense was violent or a crime against persons, the offense was a class B felony and less than 10 years have elapsed since discharge, or the offense was a class C felony and less than five years have elapsed since discharge. Wash. Rev. Code §§ 9.94A.637 and 9.94A.640.

Juvenile records may be sealed if the court finds no pending proceedings seeking the conviction or diversion agreement of a juvenile or criminal offense, the individual has not been convicted of a class A or sex offense, full restitution has been paid, and the individual has waited the prescribed period (depending upon the type of offense) without a conviction, or in the case of a diversion, without a conviction or diversion: for class B offenses other than sex offenses, five years since release; for class C offenses other than sex offenses, two years since release; for misdemeanors, two years since release; for gross misdemeanors, two years since release; and for diversions, two years since completion of diversion. Wash. Rev. Code §§ 13.50.050(11) and (12). If two years have elapsed since the diversion agreement, an individual 18 years of age or older whose record consists of only one diversion may request that the records be destroyed. Wash. Rev. Code § 13.50.050(17)(a). If all diversion agreements have been successfully completed and there are no pending proceedings seeking criminal conviction, an individual 23 years of age or older whose record consists of only referrals for diversion may request that the records be destroyed. Wash. Rev. Code § 13.50.050(17)(b). Juvenile records may be routinely destroyed only when the individual is 23 years of age or older, or is 18 years of age or older and the record consists of only one diversion agreement and two years have elapsed since its completion. Wash. Rev. Code § 13.50.050(22)(a).

If so, what is the effect of having a conviction sealed?

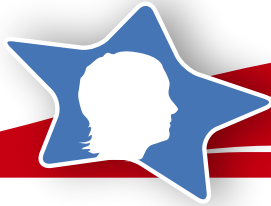
If a conviction record is vacated, the individual may deny the existence of the record. Wash. Rev. Code § 9.94A.640(3).

Individuals may deny the existence of sealed or destroyed juvenile records. However, any subsequent adjudication for a juvenile offense or crime or charging of an adult felony will nullify the sealing order. Wash. Rev. Code §§ 13.50.050(14) and (16).



Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

Excerpt from [After Prison: Roadblocks to Reentry](#). This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.

[Contents / Home](#)[Chapter One: Overview](#)[Appendices](#)[Chapter Two: Know the Score](#)[Chapter Three: Career Planning](#)[Chapter Four: Resources / Glossary](#)

Common Legal Barriers



ALASKA

ACCESS TO CRIMINAL RECORDS

1. Is there a time limit after which criminal history information is not reported to non-law enforcement entities for employment purposes?

Only statutorily-authorized persons may obtain nonconviction information, which includes arrests or charges for which the prosecutor or grand jury has elected not to begin criminal proceedings and at least a year has elapsed since that decision, criminal charges that have been dismissed or for which the person has been acquitted and at least a year has elapsed since that decision, or arrests or charges without a disposition and at least a year has elapsed since the arrest, filing of the charges, or referral of the matter to a prosecutor, whichever is latest. Past conviction information is available to both “interested persons” (employers hiring or accepting volunteers for positions with supervisory or disciplinary power over minors or dependent adults) and the public if the subject is required to register as a sex offender or if fewer than 10 years have elapsed since the date of unconditional discharge to the date of the request. Interested persons may also obtain past conviction information regardless of the time elapsed since unconditional discharge for “serious offenses,” including any felony, crimes involving domestic violence, offenses against the person, family, vulnerable adults, public order, and public health and decency. Alaska Stat. § 12.62.900(18), (19), (23); Alaska Admin. Code tit. 13, §§ 68.310(a), (b), 68.315(a), (b) and 68.320(a), (d), and (e).

2. Other than the subject and criminal justice agencies, who can obtain records?

Any interested person, the general public, and statutorily-authorized persons with the subject's fingerprints. Alaska Admin. Code tit. 13, §§ 68.310(a), (b), 68.315(a), (b), and 68.320(a), (d), and (e).

3. What types of records can be disclosed to non-criminal justice agencies?

Interested persons, the general public, and statutorily-authorized persons are entitled to different levels of criminal history record information. Interested persons are entitled to current offender information including data about individuals currently under arrest, released on bail, serving a criminal sentence, or those who have had a criminal conviction or sentence reversed, vacated, set aside, or who have received executive clemency and past conviction information for offenses requiring registration as a sex offender, if fewer than 10 years have elapsed since the date of unconditional discharge, or for serious offenses regardless of the time elapsed since unconditional discharge. The general public may obtain current offender information and past conviction information for offenses requiring registration as a sex offender or if fewer than 10 years have elapsed since the date of unconditional discharge. Statutorily-authorized persons are entitled to current offender information, past conviction information, and nonconviction information. Alaska Admin. Code tit. 13, §§ 68.310(a), (b), 68.315(a), (b) and 68.320(a), (d), and (e).

4. Are there penalties for violating limitations on dissemination?

Yes, administrative and civil penalties exist. Alaska Stat. § 12.62.200. Criminal penalties also exist for violations of the limitations on dissemination of juvenile records. Alaska Stat. § 47-12-300(h).

5. Are State criminal records available on the internet?

No.

6. Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Yes, arrests that have resulted from mistaken identity or false accusation can be sealed. Alaska Stat. § 12.62.180.

7. If so, what is the effect of having an arrest sealed?

The individual may answer that s/he has never been arrested. Alaska Stat. § 12.62.180(d).

8. Can criminal conviction records be sealed (including expunged, erased, or purged)?

No, for the most part. Only convictions that have resulted from mistaken identity or false accusation can be sealed. Alaska Stat. § 12.62.180.

The court shall seal most juvenile records (except for traffic offenses, class A & B felonies against the person or first degree arson) within 30 days of a minor's 18th birthday or within 30 days of the court's release of jurisdiction, whichever is later. If charged as an adult, most juvenile records (except for traffic offenses and certain serious felonies) may be sealed five years after completion of the sentence or five years after the records are made public. Alaska Stat. §§ 47.12.300(d) and (f).

9. If so, what is the effect of having a conviction sealed?

The individual may deny the existence of the record. Alaska Stat. § 12.62.180(d).

Sealed juvenile records may not be used for any purpose except for presentencing reports or the court may order their use good cause. Alaska Stat. §§ 47.12.300(d) and (f).

ADOPTIVE AND FOSTER PARENTING

1. Does the State consider other criminal history records beyond the Federal list of convictions barring people from becoming foster and/or adoptive parents?

Yes, applicants for foster care must be barred and applicants for adoption may be excluded based upon any charge or conviction in Alaska or another jurisdiction relating to perjury, offenses against the family and vulnerable adults, and other serious offenses, including any felony and other sexual offenses. Alaska Stat. §§ 12.62.900(23), 47.35.023(b), 47.35.047(b) and Alaska Admin. Code tit. 7, §§ 56.210(b) and 56.660(a)(5).

2. Does the State restrict people from becoming foster and/or adoptive parents for longer than required by Federal law?

Yes, the laws are silent on the length of the bars for both foster care and adoption so they appear to operate as lifetime bars (unless the State exercises its discretion for adoption). Because the State is also silent on the length of the bar for drug-related offenses, the State law goes beyond the Federal 5-year discretionary bar. Alaska Stat. § 47.35.023(b) and Alaska Admin. Code tit. 7, § 56.660(a)(5).

3. May applicants be barred by the convictions of other household members?

Yes, applicants for foster care must be barred if other household members (foster care: age 16 or over; adoption: adult) have any of the convictions that would disqualify the applicant if s/he were the one charged or convicted. Alaska Stat. § 47.35.023(b) and Alaska Admin. Code § tit. 7, § 56.660(a)(5).



4. Does the State make individual determinations about an applicant's eligibility based on the criminal record?

No, for foster care. Alaska Stat. § 47.35.023(b). Yes, for adoption. The worker responsible for the home study will assess the prospective adoptive parent's capacity to parent children. Alaska Admin. Code § tit. 7, § 56.660(h).

DRIVERS' LICENSE PRIVILEGES

1. Does the State revoke or suspend the drivers' licenses of people convicted of drug-related offenses?

Alaska passed a resolution on 1/31/2001 in opposition to enacting a law called for by the Federal statute in order to receive certain Federal highway funds. However, the State does revoke drivers' licenses for drug-related offenses. Alaska Stat. § 28.35.030(b)(3).

2. If so, what crime(s) result in suspension or revocation?

Driving under the influence of alcohol and/or a controlled substance. Alaska Stat. § 28.35.030(a) and (b).

3. If so, what is the length of the suspension or revocation?

Not less than 90 days for a first offense; not less than one year for one previous conviction; not less than three years for two previous convictions; and not less than five years for more than two previous convictions. Alaska Stat. §§ 28.15.181(c).

4. Does the State offer restricted drivers' licenses for purposes of employment, education, and/or medical care?

A limited license may be issued during the last 60 days of the revocation period if the conviction was for a misdemeanor and if certain criteria are met, e.g., the individual's ability to earn a livelihood would be severely impaired and s/he is in compliance with court-ordered treatment requirements. Alaska Stat. § 28.15.201(d).

EMPLOYMENT

1. Can employers ask job applicants about arrests not leading to conviction?

Yes.

2. Can employers consider arrests not leading to conviction?

Yes.

3. Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

4. Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

5. Does the State restrict people with criminal records from employment in the field of home health care?

Yes. Home health aides must not have been convicted of abuse, neglect or mistreatment of another individual or misappropriation of property of a patient under the individual's care. Alaska Admin. Code tit. 7, § 12.541. There is no mechanism to lift this bar.

6. After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Pardons. Alaska Const. art. 3, § 21. A pardon has the effect of “setting aside” the conviction. Although the record of the “set aside” conviction remains on an individual’s rap sheet, s/he is considered not to have been previously convicted. Therefore, a pardon’s effect upon occupational licensing will vary. For example, if it is required that the applicant has not been convicted of a felony, the pardon will lift this bar. However, if the occupational licensing authority requires “good moral character,” a pardon will not necessary lift the occupational bar because a pardon does not prevent the licensing board from considering the facts underlying the conviction. Executive Clemency in Alaska, available at <http://www.correct.state.ak.us/corrections/Parole/clemencyhandbook.pdf> (Aug. 10, 2002).

PUBLIC ASSISTANCE AND FOOD STAMPS

1. Are people with drug-felony convictions dated after 1996 eligible to receive TANF benefits and food stamps?

No, Alaska adopted the Federal drug felon ban. Alaska Stat. § 47.05.040.

PUBLIC HOUSING

1. Does the Housing Authority consider arrests that did not lead to conviction in its admission criteria?

Yes, the Housing Authority in Anchorage (the Alaska Housing Finance Corporation) considers arrests if they are drug-related or violent.

2. Does the Housing Authority make individual determinations about an applicant’s eligibility based upon the relevance of the criminal record?

Yes.

3. How long is the conviction bar(s)?

There is a 3-year bar for drug-related or violent convictions which may be shortened by evidence of rehabilitation.

VOTING

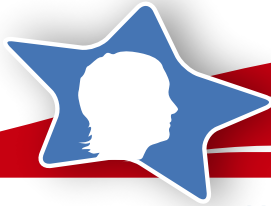
1. Does the State grant people with criminal records the right to vote?

A person convicted of a felony involving moral turpitude who is incarcerated or on probation or parole is ineligible to vote until s/he has completed his/her sentence and been unconditionally discharged. Alaska Stat. §§ 12.55.185, 15.05.030 and 33.30.241.



Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

Excerpt from [After Prison: Roadblocks to Reentry](#). This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

Common Legal Barriers



ARIZONA

ACCESS TO CRIMINAL RECORDS

1. Is there a time limit after which criminal history information is not reported to non-law enforcement entities for employment purposes?

Yes, charges for any type of crime remain on an individual's record at the Arizona Department of Public Safety (ADPS), the central repository, for 99 years from the individual's date of birth. See <http://www.dps.state.az.us/cjsd/criminalinfosvc/faqs.htm>.

2. Other than the subject and criminal justice agencies, who can obtain records?

Statutorily-authorized non-criminal justice agencies and others. Ariz. Rev. Stat. § 41-1750G(1-19).

3. What types of records can be disclosed to non-criminal justice agencies?

Adult arrest and conviction records for all misdemeanors, felonies, and domestic violence offenses (but not traffic arrests). Ariz. Rev. Stat. §§ 41-1750 and 41-1751.

4. Are there penalties for violating limitations on dissemination?

Yes, criminal penalties exist. Ariz. Rev. Stat. § 41-1756.

5. Are State criminal records available on the internet?

Yes, for currently incarcerated individuals only on the Arizona Department of Corrections website at: <http://www.adc.state.az.us/ISearch.htm>.

6. Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Records of wrongful charges, arrests, and indictments may be purged upon petition to the superior court. Ariz. Rev. Stat. § 13-4051.

7. If so, what is the effect of having an arrest sealed?

The records may be released only upon court order. Ariz. Rev. Stat. § 13-4051.

8. Can criminal conviction records be sealed (including expunged, erased, or purged)?

In some instances. Except for the following types of offenses, adult conviction records may be set aside upon fulfillment of probation and discharge: (1) those involving serious physical injury; (2) those involving a deadly weapon or dangerous instrument; (3) sexual offenses and offenses against minors requiring registration; (4) those involving "sexual motivation;" (5) those involving minors under 15 years of age; and (6) certain motor vehicle offenses. Ariz. Rev. Stat. § 13-907.

Individuals 18 years of age and older may apply to have many juvenile delinquency or incorrigibility adjudications set aside upon discharge from probation or absolute discharge unless the individual has a subsequent criminal conviction, criminal proceedings pending, or has not paid all restitution or assessments. Ariz. Rev. Stat. § 8-348.

9. If so, what is the effect of having a conviction sealed?

For adult conviction records, a notation stating “vacated per ARS § 13-907” will appear on the individual’s record. The conviction may not be used against the individual in the future, except as a prior offense in the prosecution of criminal offenses. Ariz. Rev. Stat. § 13-907.

Upon setting aside a juvenile delinquency or incorrigibility adjudication, the court will order the individual “released from all penalties and disabilities resulting from the adjudication.” The record may still be used for purposes of adult criminal prosecutions and by the Department of Transportation. Ariz. Rev. Stat. § 8-348(B). Unless convicted of or adjudicated delinquent for certain adult felony or DUI offenses, the juvenile court records may be destroyed if in the interests of justice and destruction would further the rehabilitative process of the applicant. Individuals 25 years of age or older may apply for destruction of the excluded adult felony and DUI offenses. Ariz. Rev. Stat. § 8-349.

ADOPTIVE AND FOSTER PARENTING

1. Does the State consider other criminal history records beyond the Federal list of convictions barring people from becoming foster and/or adoptive parents?

Yes, for foster care. Applicants must be barred if convicted or awaiting trial on other sexual, violent, or theft-related offenses (in Arizona or other jurisdictions) and may also be excluded if convicted of, found by a court to have committed, or is reasonably believed to have committed, any other criminal offense. Ariz. Admin. Code R6-5-5802(C)(1) and R6-5-5819(C)-(E).

Yes, for adoption. Applicants may be excluded of awaiting trial on or convicted of committing or attempting to commit (in Arizona or other jurisdictions) other sexual or violent offenses, including kidnaping and neglect or abuse of a vulnerable adult. Ariz. Rev. Stat. §§ 41-1758.03(B), (F); 46-141(L)(1); and Ariz. Admin. Code R6-5-6606(C)(1).

2. Does the State restrict people from becoming foster and/or adoptive parents for longer than required by Federal law?

Yes, the statute is silent on the length of the bars for both foster care and adoption so they operate as lifetime bars unless the State exercises its discretion. The State also extends the length of the Federal bar for certain drug-related offenses and bars people for a longer time period (10 years) than the Federal law (5 years). Ariz. Rev. Stat. § 46-141(L)(1); Ariz. Admin. Code R6-5-6606(C)(1) and R6-5-5819(C).

3. May applicants be barred by the convictions of other household members?

Yes, applicants for foster care generally may be barred if other household members have any of the convictions that would disqualify the applicant if s/he were the one convicted. However, foster parent licenses shall not be denied, suspended, or revoked unless the household member(s)’ actions interfere with the applicant’s ability to comply with the law. Ariz. Admin. Code R6-5-819(G). No, for adoption.



4. Does the State make individual determinations about an applicant's eligibility based on the criminal record?

Yes, for foster care. In determining whether an applicant who has a history of child maltreatment is fit to serve as a foster parent, the Department will consider the following factors: extent of the criminal record; length of time elapsed since offense was committed; nature of the maltreatment offense; mitigating surrounding circumstances; how much the applicant participated in committing the offense; whether the person is on probation or parole; and rehabilitation. Ariz. Admin. Code R6-5-5819(E).

Yes, for adoption. Criminal history has bearing on fitness to adopt in determining whether to recommend certification of an applicant but does not create automatic bars; individualized determinations are made. Ariz. Admin. Code R6-5-6606.

DRIVERS' LICENSE PRIVILEGES

1. Does the State revoke or suspend the drivers' licenses of people convicted of drug-related offenses?

Arizona passed a resolution opting out of the Federal requirements on 9/27/2000 in opposition to enacting a law called for by the Federal statute in order to receive certain Federal highway funds. However, the State does revoke drivers' licenses for drug-related offenses. Ariz. Rev. Stat. §§ 28-3304(A)(2) and -3315(A).

2. If so, what crime(s) result in suspension or revocation?

Driving a motor vehicle under the influence of a drug. Ariz. Rev. Stat. § 28-3304(A)(2).

3. If so, what is the length of the suspension or revocation?

Not more than one year. Ariz. Rev. Stat. § 28-3315(A).

4. Does the State offer restricted drivers' licenses for purposes of employment, education, and/or medical care?

No.

EMPLOYMENT

1. Can employers ask job applicants about arrests not leading to conviction?

Yes.

2. Can employers consider arrests not leading to conviction?

Yes.

3. Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Applicants for public employment or occupational licensure who have had their civil rights restored may not be denied employment or occupational licensure solely because of a misdemeanor or felony conviction. Public employers may deny employment on the basis of a conviction and agencies may deny licenses to persons whose civil rights have been restored only if a "reasonable relationship" exists between the conviction and employment or license sought. Ariz. Rev. Stat. § 13-904(E).

4. Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

There are no standards for private employers.

5. Does the State restrict people with criminal records from employment in the field of home health care?

Yes, applicants for home health care employment must be barred if convicted of or awaiting trial on certain violent, sexual, or drug-related offenses and may also be excluded (although good cause exceptions may be requested) for assault and drug-related offenses within the past five years, arson, domestic violence, and specific theft-related offenses. Ariz. Rev. Stat. § 36-411.

6. After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Only Restoration of Civil Rights, which is available to individuals convicted of two or more felonies upon completion of probation or discharge from prison. The date of the order and the fact that the individual's civil rights have been restored will appear on the individual's record. Ariz. Rev. Stat. §§ 13-905 and 13-906. The civil rights of first-time felony offenders are restored automatically upon completion of criminal sentence. Ariz. Rev. Stat. § 13-912. Once an individual's civil rights have been restored, public employment or occupational licensure may be denied on the basis of a conviction only if a "reasonable relationship" exists between the conviction and employment or license sought. Ariz. Rev. Stat. § 13-904(E).

PUBLIC ASSISTANCE AND FOOD STAMPS

1. Are people with drug-felony convictions dated after 1996 eligible to receive TANF benefits and food stamps?

No, Arizona has adopted the Federal drug felon ban. Ariz. Rev. Stat. § 13-3418.

PUBLIC HOUSING

1. Does the Housing Authority consider arrests that did not lead to conviction in its admission criteria?

Yes, the Phoenix Public Housing Authority considers both histories of criminal activity that did not lead to conviction and pending criminal charges are considered "depending on the particular facts and circumstances".

2. Does the Housing Authority make individual determinations about an applicant's eligibility based upon the relevance of the criminal record?

Yes, the following types of rehabilitation are considered to lift most bars: (1) Documentation of successful completion of probation, parole, rehabilitation, and/or any sentencing requirement; and (2) Positive recommendations from parole/probation officers, and rehabilitation directors combined with request for eligibility. Different factors are considered to lift the three-year bar to eligibility disqualifying those evicted for drug-related criminal activity on public housing authority property: (1) The evicted household member has completed a rehabilitation program; or (2) The circumstances leading to the eviction no longer exist, e.g., the evicted household member has died or is incarcerated.

3. How long is the conviction bar(s)?

Two-year bars exist for the following types of convictions: (1) Drug-related (involving personal use and possession); (2) Prostitution; (3) Criminal trespass; (4) Indecent exposure; (5) Harassment; (6) Disorderly conduct; and (7) Theft. There is a three-year bar to eligibility for people evicted for drug-related criminal activity on public housing authority property. Five-year bars also exist for the following types of convictions: (1) Violent criminal activity; (2) Drug-related (other than for personal use); or (3) Sexual offenses.



VOTING

1. Does the State grant people with criminal records the right to vote?

Yes, individuals with felony convictions may vote upon restoration of civil rights. Because first-time offenders' rights are restored automatically upon completion of sentence, their right to vote is also automatically restored. People convicted of two or more felonies may apply for restoration of civil rights, and therefore the right to vote, upon completion of probation or discharge from prison. Ariz. Const. art. 7, § 2(C); Ariz. Rev. Stat. §§ 13-904, 13-905, 13-906, 13-912 and 16-101.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

Common Legal Barriers



CALIFORNIA

ACCESS TO CRIMINAL RECORDS

1. Is there a time limit after which criminal history information is not reported to non-law enforcement entities for employment purposes?

Yes, most misdemeanor and felony convictions more than 10 years old will not be disseminated. No misdemeanor conviction will be reported unless the individual has been convicted of 3 or more misdemeanor or felony offenses or incarcerated following such a conviction within the 10 year period preceding application. Cal. Penal § 11105.3(h)(3).

2. Other than the subject and criminal justice agencies, who can obtain records?

Public utilities (including nuclear power plants and entities whose employees enter private residences), statutorily-authorized public agencies, peace officers, probation/parole, prosecuting attorneys, public defenders, courts, correctional officers, child support and welfare agencies, and others with statutory authorization. Cal. Penal § 13300(b)(1)-(15).

3. What types of records can be disclosed to non-criminal justice agencies?

Most misdemeanor and felony convictions within the 10-year period preceding application will be disclosed. Specific serious felony convictions over 10 years old will also be reported. Under certain circumstances, pending adult arrests for sexual, drug-related, and violent crimes will also be reported. However, two types of arrests generally will not be released: those for which diversion was ordered and it is unknown whether the program was successfully completed; or those followed by dismissal, release, or no disposition and it is unknown whether the individual was exonerated. Juvenile ward of the court adjudications are also disclosed. Cal. Penal §§ 13125; 13300(a)(1) and (2), (m), (l); and 11105.3(a),(h)(3).

4. Are there penalties for violating limitations on dissemination?

Yes, criminal penalties exist. Cal. Penal §§ 11125; 13326.

5. Are State criminal records available on the internet?

No.

6. Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Yes. Most arrest records can be sealed, except for infractions. Certain minor marijuana arrests can be purged. Cal. Penal § 851.8(a), (i), and (n) and Cal. Health & Safety § 11361.5(b)(1)-(4).

7. If so, what is the effect of having an arrest sealed?

When “sealed,” the arrest record is removed from the rap sheet. Most records are destroyed three years after the arrest and the individual may generally answer that s/he has never been arrested. However, law enforcement and health care facilities may still ask about sealed information and the records may be used under the “three strikes” law in future criminal prosecutions. Cal. Labor § 432.7(f)(1), (2); Cal. Penal §§ 667(d)(3), 851.8(f) and 13203.

“Purging” a record means the information is removed from the rap sheet and the records are destroyed. While an individual may generally answer that s/he has never been convicted, individuals may be required to reveal these records when applying for law enforcement employment. Cal. Code Regs. tit. 2 § 7287.4(B); Cal. Health & Safety § 11361.5(c) and Cal. Penal § 13203.

8. Can criminal conviction records be sealed (including expunged, erased, or purged)?

Yes, many adult misdemeanor and felony convictions can be expunged, except for certain serious felonies, specific misdemeanor motor vehicle offenses, and infractions. Certain minor marijuana convictions may be purged. Cal. Health & Safety § 11361.5(b)(1)-(4) and Cal. Penal § 1203.4(a) and (b).

Unless subsequently convicted of a felony or misdemeanor of moral turpitude, individuals may apply for sealing of many juvenile ward of the court adjudications upon reaching 18 years of age or 5 years after disposition, whichever comes first. Cal. Wel. & Inst. § 781(a).

9. If so, what is the effect of having a conviction sealed?

Under most circumstances, private employers may not inquire regarding expunged adult convictions. However, the expunged conviction still appears on the individual’s rap sheet with a notation that the conviction has been “set aside and dismissed.” (Per central repository.) Expunged conviction records must be revealed for public employment, public office, occupational licensure, and health care employment if the position requires patient contact or access to medication. Cal. Code Regs. tit. 2 § 7287.4(d)(1)(B); Cal. Labor § 432.7(f)(1) and (2); and Cal. Penal § 1203.4(a).

Purged conviction records are removed from the rap sheet and the records are destroyed. Except for law enforcement agencies, public and private employers and occupational licensing agencies may not inquire regarding purged records. Cal. Code Regs. tit. 2 § 7287.4(d)(1)(B); Cal. Health & Safety § 11361.5(c); and Cal. Penal § 13203.

Individuals may deny the existence of sealed juvenile records. Most juvenile records will be destroyed five years after sealing. Cal. Wel. & Inst. § 781(a) and (d).

ADOPTIVE AND FOSTER PARENTING

1. Does the State consider other criminal history records beyond the Federal list of convictions barring people from becoming foster and/or adoptive parents?

Yes, for foster parents. Foster care license applicants may be barred by arrest for any sexual offense requiring registration or convictions for any crime other than a minor traffic violation. Cal. Health & Safety Code §§ 1522(a)(1), (a)(4)(A), (b), (d)(1)-(4), and (g)(1).

Yes, for adoptive parents. Criminal history is assessed for its affect on an applicant's parenting ability to provide "adequate and proper care and guidance to the child." If an applicant for either an agency or independent adoption has been convicted of any crime other than a minor traffic offense, the court will consider the criminal record in determining whether the applicant can provide appropriate care and guidance to a child. Cal. Fam. Code App. § 222.40 and Cal. Fam. Code § 8811.

2. Does the State restrict people from becoming foster and/or adoptive parents for longer than required by Federal law?

Yes, for foster parents. The statute is silent on the length of the bars for foster care so they appear to operate as lifetime bars unless the State exercises its discretion. No automatic bars exist for prospective adoptive parents. Cal. Health & Safety Code §§ 1522(a)(1), (a)(4)(A), (b), (d)(1)-(4), and (g)(1).

3. May applicants be barred by the convictions of other household members?

Yes, for foster care. Applicants for foster parent licensure may be barred if other household members have any of the convictions that would disqualify the applicant if s/he were the one convicted. No, for adoption. Cal. Fam. Code App. § 222.40; Cal. Fam. Code § 8811; and Cal. Health & Safety Code §§ 1522(b)(1)(B) and (d)(4)(A).

4. Does the State make individual determinations about an applicant's eligibility based on the criminal record?

Yes, for foster care. Upon substantial and convincing evidence to support a reasonable belief that the applicant is of such good character as to justify issuance of the license, the director may grant exemptions for arrests or convictions for any crime other than a minor traffic violation, including arrests involving sexual offenses requiring registration, assault with a deadly weapon, willful infliction of corporal injury, child endangerment, or any prior criminal arrests or convictions for any crime against a child, spouse, or cohabitant. Exemptions for foster care may also be granted for certain violent offenses with the district attorney's recommendation and demonstration of at least 10 years good moral character or a Certificate of Rehabilitation. Cal. Health & Safety Code § 1522(g).

Individualized determinations are made for adoption. Cal. Fam. Code App. § 222.40.



DRIVERS' LICENSE PRIVILEGES

1. Does the State revoke or suspend the drivers' licenses of people convicted of drug-related offenses?

California passed a resolution on 12/20/2000 in opposition to enacting a law called for by the Federal statute in order to receive certain Federal highway funds. However, the State does revoke drivers' licenses for drug-related offenses. Cal. Vehicle §§ 13202 and 13352.

2. If so, what crime(s) result in suspension or revocation?

Driving under the influence of alcohol or drugs and a range of drug-related offenses involving the use of a motor vehicle. Cal. Vehicle §§ 13202 and 13352.

3. If so, what is the length of the suspension or revocation?

The court shall determine the period of revocation or suspension for drug-related offenses. Drivers' licenses will be revoked or suspended for 6 months to 5 years following a conviction for driving under the influence, depending upon the status of the offender, i.e., the number of times s/he has been convicted. Cal. Vehicle §§ 13202 and 13352.

4. Does the State offer restricted drivers' licenses for purposes of employment, education, and/or medical care?

If enrolled in a treatment program, an individual 21 years of age or older at the time of the offense and convicted once within a 7-year period of driving under the influence may obtain a restricted license for transportation to and from employment and/or treatment. Cal. Vehicle § 13353.7(a).

EMPLOYMENT**1. Can employers ask job applicants about arrests not leading to conviction?**

No, with the two exceptions of law enforcement authorities and health care facilities (re: certain crimes), employers may not ask about arrests that did not lead to conviction or for which a pre-trial diversion program was successfully completed. Cal. Code Regs. tit. 2 § 7287.4(d)(1)(A), (B); Cal. Labor § 432.7(f)(1), (2); and Cal. Penal § 13203.

2. Can employers consider arrests not leading to conviction?

Yes.

3. Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

4. Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

5. Does the State restrict people with criminal records from employment in the field of home health care?

Yes. Applicants are barred from home health care employment for certain violent, sexual, and theft-related convictions (or similar convictions in other States) for an unspecified period of time, so the bar operates as a lifetime bar. Individuals with felony convictions can lift the bar with a certificate and expungement. The bar for misdemeanor convictions may be removed by expungement alone. The State Department of Health Services may also make an independent determination of eligibility in spite of the criminal record. If an individual has a conviction "substantially related" to employment as a home health aide, it is within the State's discretion to determine that an individual is not sufficiently rehabilitated. In the interest of public safety, alcohol- and drug-related convictions may also operate as lifetime bar to employment as a home health care aide. The department makes individual determinations considering factors such as rehabilitation and the nature and seriousness of the offense before barring an individual for a substantially related or alcohol-or drug-related conviction. Cal. Health & Safety § 1736.5(a),(b), and (c).

6. After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Yes, a Certificate of Rehabilitation that declares that an individual convicted of a felony is rehabilitated and may relieve an individual of registering as a sex offender. However, civil liberties are generally only restored by both a certificate and a pardon. In addition, while a certificate alone generally cannot remove occupational bars, it is a prerequisite to obtaining a pardon, which may relieve such a bar. Cal. Penal §§ 4852.01(a)-(d) and 4852.17. See also http://www.bpt.ca.gov/pardon_txt.html.

PUBLIC ASSISTANCE AND FOOD STAMPS

1. Are people with drug-felony convictions dated after 1996 eligible to receive TANF benefits and food stamps?

No, California adopted the Federal drug felon ban. Cal. Wel. & Inst. §§ 11251.3 and 18901.7.

PUBLIC HOUSING

1. Does the Housing Authority consider arrests that did not lead to conviction in its admission criteria?

No, the Housing Authority of the City of Los Angeles (HACLA) does not consider arrests.

2. Does the Housing Authority make individual determinations about an applicant's eligibility based upon the relevance of the criminal record?

Yes, evidence of rehabilitation, such as the prospective resident's participation in, or willingness to participate in, counseling or another program will be considered if "unfavorable information" is revealed by HACLA's criminal history request. Unfavorable information suggests that the applicant poses a risk to children under age 18, and the aged, blind, and disabled.

3. How long is the conviction bar(s)?

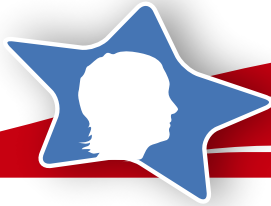
While HACLA has access to convictions for all serious felonies, except those committed while a minor or more than 10 years ago, no bars exist. Cal. Penal Code §§ 1105.03(a)(1),(3),(4), and 1192.7(c)(1).

VOTING

1. Does the State grant people with criminal records the right to vote?

Yes, people who have completed their sentences or who are on probation have the right to vote. However, people who are incarcerated or on parole following felony convictions are ineligible to vote. Cal. Const. Art. 2, § 4; *Flood v. Riggs*, 80 Cal.App.3d 138, 155 (1978).




[Contents / Home](#)
[Chapter One: Overview](#)
[Appendices](#)
[Chapter Two: Know the Score](#)
[Chapter Three: Career Planning](#)
[Chapter Four: Resources / Glossary](#)

EMPLOYERS RIGHTS' TO INFORMATION

ALASKA

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

Yes. Home health aides must not have been convicted of abuse, neglect or mistreatment of another individual or misappropriation of property of a patient under the individual's care. Alaska Admin. Code tit. 7, § 12.541. There is no mechanism to lift this bar.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Pardons. Alaska Const. art. 3, § 21. A pardon has the effect of "setting aside" the conviction. Although the record of the "set aside" conviction remains on an individual's rap sheet, s/he is considered not to have been previously convicted. Therefore, a pardon's effect upon occupational licensing will vary. For example, if it is required that the applicant has not been convicted of a felony, the pardon will lift this bar. However, if the occupational licensing authority requires "good moral character," a pardon will not necessary lift the occupational bar because a pardon does not prevent the licensing board from considering the facts underlying the conviction. Executive Clemency in Alaska, available at <http://www.correct.state.ak.us/corrections/Parole/clemencyhandbook.pdf> (Aug. 10, 2002).

ARIZONA

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Applicants for public employment or occupational licensure who have had their civil rights restored may not be denied employment or occupational licensure solely because of a

misdemeanor or felony conviction. Public employers may deny employment on the basis of a conviction and agencies may deny licenses to persons whose civil rights have been restored only if a “reasonable relationship” exists between the conviction and employment or license sought. Ariz. Rev. Stat. § 13-904(E).

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

There are no standards for private employers.

Does the State restrict people with criminal records from employment in the field of home health care?

Yes, applicants for home health care employment must be barred if convicted of or awaiting trial on certain violent, sexual, or drug-related offenses and may also be excluded (although good cause exceptions may be requested) for assault and drug-related offenses within the past five years, arson, domestic violence, and specific theft-related offenses. Ariz. Rev. Stat. § 36-411.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Only Restoration of Civil Rights, which is available to individuals convicted of two or more felonies upon completion of probation or discharge from prison. The date of the order and the fact that the individual’s civil rights have been restored will appear on the individual’s record. Ariz. Rev. Stat. §§ 13-905 and 13-906. The civil rights of first-time felony offenders are restored automatically upon completion of criminal sentence. Ariz. Rev. Stat. § 13-912. Once an individual’s civil rights have been restored, public employment or occupational licensure may be denied on the basis of a conviction only if a “reasonable relationship” exists between the conviction and employment or license sought. Ariz. Rev. Stat. § 13-904(E).

CALIFORNIA

Can employers ask job applicants about arrests not leading to conviction?

No, with the two exceptions of law enforcement authorities and health care facilities (re: certain crimes), employers may not ask about arrests that did not lead to conviction or for which a pre-trial diversion program was successfully completed. Cal. Code Regs. tit. 2 § 7287.4(d)(1)(A), (B); Cal. Labor § 432.7(f)(1), (2); and Cal. Penal § 13203.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

Yes. Applicants are barred from home health care employment for certain violent, sexual, and theft-related convictions (or similar convictions in other States) for an unspecified period of time, so the bar operates as a lifetime bar. Individuals with felony convictions can lift the bar with a certificate and expungement. The bar for misdemeanor convictions may be removed by expungement alone. The State Department of Health Services may also make an independent determination of eligibility in spite of the criminal record. If an individual has a conviction “substantially related” to employment as a home health aide, it is within the State’s discretion to determine that an individual is not sufficiently rehabilitated. In the interest of public safety, alcohol- and drug-related convictions may also operate as lifetime bar to employment as a home health care aide. The department makes individual determinations considering



factors such as rehabilitation and the nature and seriousness of the offense before barring an individual for a substantially related or alcohol-or drug-related conviction. Cal. Health & Safety § 1736.5(a),(b), and (c).

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Yes, a Certificate of Rehabilitation that declares that an individual convicted of a felony is rehabilitated and may relieve an individual of registering as a sex offender. However, civil liberties are generally only restored by both a certificate and a pardon. In addition, while a certificate alone generally cannot remove occupational bars, it is a prerequisite to obtaining a pardon, which may relieve such a bar. Cal. Penal §§ 4852.01(a)-(d) and 4852.17. See also http://www.bpt.ca.gov/pardon_txt.html.

HAWAII

Can employers ask job applicants about arrests not leading to conviction?

No statutory provision regarding arrest inquiries, but individuals having expungement certificate may deny arrest record in employment context. Haw. Rev. Stat. § 831-3.2(e).

Can employers consider arrests not leading to conviction?

No. Private and public employers are prohibited from discriminating in hiring, terminating and the terms and conditions of employment based on an arrest or court record. Haw. Rev. Stat. § 378-2(1)(A).

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Yes. Public employers are only permitted to inquire about rationally-related criminal convictions occurring within the past ten years after a conditional offer of employment has been made. Haw. Rev. Stat. § 378-2.5. Public entities are prohibited from using certain criminal records when making employment and licensure decisions including: arrests not leading to conviction; annulled or expunged convictions (although Hawaii no longer permits expungement of convictions); convictions for offenses for which no jail time may be imposed; and misdemeanor convictions that are over twenty years old with no subsequent arrest or conviction. These protections do not apply to employment at youth or adult correctional facilities, detention or shelter facility, or licensed social service facilities. Haw. Rev. Stat. § 831-3.1.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

Yes. Private employers are only permitted to inquire about rationally-related criminal convictions occurring within the past ten years after a conditional offer of employment has been made. Haw. Rev. Stat. § 378-2.5.

Does the State restrict people with criminal records from employment in the field of home health care?

No.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Restoration of civil rights and pardons. Haw. Const. art. 5, § 5. Civil rights are restored automatically upon completion of the sentence. Haw. Rev. Stat. § 831-5. The Governor grants pardons upon the recommendation of the Hawaii State Paroling Authority. Approximately 25 pardons are granted per year, which constitutes a substantial percentage of the total applications received. A pardon will state that the individual has been rehabilitated but will not automatically lift occupational bars.



IDAHO

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

No.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Only pardons. Idaho Code § 20-240. A pardon does not automatically lift occupational bars.

NEVADA

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

Within 10 days of hiring, an applicant for home health care employment must submit written statements and oral and written confirmations regarding whether s/he has ever been convicted of a crime, as well as two sets of fingerprints for a criminal background check. Nev. Rev. Stat. § 449.179. Applicants will be barred by convictions that occurred at anytime for offenses involving abuse and neglect and certain violent and sexual offenses. In addition, applicants will also be excluded based upon convictions that occurred within the last 7 years for specific drug-, theft-, and weapons-related offenses. Nev. Rev. Stat. §§ 449.185 and 449.188.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

An individual may apply for restoration of his civil rights once he has served his sentence and been released from prison. Nev. Rev. Stat. § 213.157. In addition, an individual may apply for restoration of civil rights six months after being granted an honorable discharge from probation or parole. Nev. Rev. Stat. §§ 213.157 and 176A.860. A person who has been honorably discharged from probation and had his civil rights restored may vote, hold office, serve as a juror and deny the existence of the conviction to most employers. Nev. Rev. Stat. § 176A.850. In addition, an individual may apply for a pardon which may or may not include restoration of

civil rights. Nev. Rev. Stat. § 213.090. A pardon does not lift occupational bars. Op. Att'y Gen. 83-13, Sept. 14, 1983. Approximately ten to twenty persons receive pardons each year in Nevada.

OREGON

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Yes, for occupational licensing authorities. A license may not be denied, suspended, or revoked based solely upon a conviction. In determining the fitness of the individual, the facts surrounding the conviction and "intervening circumstances" must be considered. Or. Rev. Stat. § 670.280. There are no standards for public employers.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

No.

After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

No, only pardons. Or. Rev. Stat. § 144.649. A pardon does not serve as evidence of rehabilitation or lift occupational bars.

WASHINGTON

Can employers ask job applicants about arrests not leading to conviction?

Yes.

Can employers consider arrests not leading to conviction?

Yes, although ban on considering most non-job-related remote convictions may provide grounds for court challenge or an administrative finding to the contrary.

Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Yes. Except for law enforcement agencies and those with unsupervised access to children and vulnerable adults, most public employers and occupational licensing agencies may not disqualify an individual solely because of a prior felony conviction. Because the conviction may be considered, however, individuals may be denied employment or a license if the conviction directly relates to the position or license sought and fewer than ten years have elapsed since the conviction. Regardless of the time elapsed, individuals may be barred from employment in the county treasurer's office based upon a felony conviction based upon embezzlement or theft. In addition, guilty pleas or convictions for felony offenses involving certain sexual offenses against children will also bar employment or licensing for many positions in education that involve unsupervised access to children, including teaching. Wash. Rev. Code §§ 9.96A.020, 9.96A.060, and 9.96A.030.

Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

Does the State restrict people with criminal records from employment in the field of home health care?

Yes. Applicants for home health care employment must provide criminal history disclosure statements and also submit to criminal records checks. Applicants will be barred based upon convictions for crimes against individuals, for example, kidnapping, endangerment with a controlled substance, and indecent exposure, and for crimes involving financial exploitation, for example, extortion, theft, and forgery. However, home health care agencies are permitted to consider applicants convicted of other types of offenses after a certain period of time has elapsed since the conviction: for simple assault, assault in the fourth degree, prostitution, or theft in the third degree, after three or more years have elapsed; and for theft in the second degree or forgery, after five or more years have elapsed. Wash. Rev. Code §§ 43.43.842 and 43.43.830(5), (7); Wash. Admin. Code § 246-327-090.

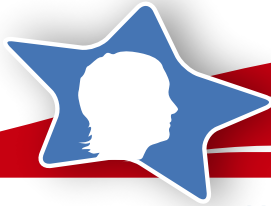
After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Pardons are available from the Governor under extraordinary circumstances upon recommendation from the Clemency and Pardons Board. Wash. Const. art. 3, § 9 and Wash. Rev. Code § 9.94A.885(1). The effect of a pardon is not to obliterate an offense, but to condone it, remit any unpaid penalty, and restore the individual's civil rights. 1967 Att'y Gen. Op. No. 6.; State v. Cullen, 127 P.2d 257, 259 (Wash. Ct. App. 1942).



Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

Common Legal Barriers

HAWAII

ACCESS TO CRIMINAL RECORDS

1. Is there a time limit after which criminal history information is not reported to non-law enforcement entities for employment purposes?

No. However, acquittal or dismissal information and arrests more than one year old where no disposition has been reported or no active prosecution is proceeding will only be disclosed in limited circumstances. Haw. Rev. Stat. §§ 846-1 and -9.

2. Other than the subject and criminal justice agencies, who can obtain records?

Different entities have access to different levels of criminal history information. The public has access to conviction information. The Governor, the attorney general, statutorily authorized agencies for employment or any other purposes and individuals and agencies for research and statistical purposes have access to nonconviction information. Haw. Rev. Stat. §§ 846-1(2), 846-9 and -10; and Opinion of Office of Information Practices Op. Ltr. No. 97-5 (1997).

3. What types of records can be disclosed to non-criminal justice agencies?

The public has access to conviction information and arrests that do not lead to conviction where the charges were dismissed or the defendant was acquitted because of a mental or physical disability. Nonconviction information includes arrests without dispositions, acquittals, and dismissals. Haw. Rev. Stat. §§ 846-1 and -9; and Opinion of Office of Information Practices Op. Ltr. No. 97-5 (1997).

4. Are there penalties for violating limitations on dissemination?

Yes, criminal penalties. Any person who knowingly permits unauthorized access to or knowingly disseminates criminal history record information will be guilty of a misdemeanor. Haw. Rev. Stat. § 846-16.

5. Are State criminal records available on the internet?

No.

6. Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Arrests not leading to conviction are expunged upon application, unless a conviction was not obtained because of bail forfeiture, self-imposed absence from the jurisdiction, or physical or mental disorder. A one-year waiting period is required in cases wherein a plea of guilty or nolo contendere is deferred. Haw. Rev. Stat. § 831-3.2.

Juvenile arrests may also be expunged if dismissed with prejudice, not referred to the prosecuting attorney, or if the person arrested was not adjudicated responsible. Haw. Rev. Stat. § 571-88(a).

7. If so, what is the effect of having an arrest sealed?

Upon receipt of expungement certificate, the individual may deny the record of the arrest without penalty. Haw. Rev. Stat. § 831-3.2.

Individuals may deny the existence of the record if a juvenile arrest is expunged. Haw. Rev. Stat. § 571-88(e).

8. Can criminal conviction records be sealed (including expunged, erased, or purged)?

Adult criminal convictions may not be sealed.

9. If so, what is the effect of having a conviction sealed?

N/A

ADOPTIVE AND FOSTER PARENTING**1. Does the State consider other criminal history records beyond the Federal list of convictions barring people from becoming foster and/or adoptive parents?**

Yes, certificates of approval to operate foster boarding homes may be denied based upon convictions for any crime other than a minor traffic violation. Haw. Rev. Stat. § 346-19.6. Persons seeking to become adoptive parents may be denied based upon any conviction for which incarceration is a sentencing option. Haw. Rev. Stat. § 346-19.7.

2. Does the State restrict people from becoming foster and/or adoptive parents for longer than required by Federal law?

Yes, because the statutes are silent on the lengths of the bars for foster care and adoption they seem to operate as lifetime bans. Haw. Rev. Stat. §§ 346-19.6 and .7.

3. May applicants be barred by the convictions of other household members?

No.

4. Does the State make individual determinations about an applicant's eligibility based on the criminal record?

Yes, for both foster care and adoption, the Department of Human Services will determine whether the criminal record presents a "risk to the health, safety, or well-being of the children in care." Prospective adoptive parents have an opportunity to rebut the findings. Haw. Rev. Stat. §§ 346-19.6 and .7.

DRIVERS' LICENSE PRIVILEGES**1. Does the State revoke or suspend the drivers' licenses of people convicted of drug-related offenses?**

The State passed a resolution on November 28, 2000 in opposition to enacting a law called for by the Federal statute in order to receive certain Federal highway funds. However, the State does revoke drivers' licenses for drug-related offenses. Haw. Rev. Stat. § 291E-41.

2. If so, what crime(s) result in suspension or revocation?

Use of intoxicants while driving a vehicle. Haw. Rev. Stat. § 291E-41. "Intoxicant" includes alcohol and any drug.

3. If so, what is the length of the suspension or revocation?

Three months to one year, if no prior alcohol or drug enforcement contact in the preceding five years; one to two years if one prior alcohol or drug enforcement contact in the preceding five years; two to four years if two prior alcohol or drug enforcement contacts in the preceding seven years; or for life if three or more alcohol or drug enforcement contacts in the preceding ten years. Haw. Rev. Stat. § 291E-41.



4. Does the State offer restricted drivers' licenses for purposes of employment, education, and/or medical care?

A conditional license may be issued following a required 30-day revocation if an individual has a job that requires driving and no access to other transportation. Haw. Rev. Stat. § 291E-44(a).

EMPLOYMENT

1. Can employers ask job applicants about arrests not leading to conviction?

No statutory provision regarding arrest inquiries, but individuals having expungement certificate may deny arrest record in employment context. Haw. Rev. Stat. § 831-3.2(e).

2. Can employers consider arrests not leading to conviction?

No. Private and public employers are prohibited from discriminating in hiring, terminating and the terms and conditions of employment based on an arrest or court record. Haw. Rev. Stat. § 378-2(1)(A).

3. Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Yes. Public employers are only permitted to inquire about rationally-related criminal convictions occurring within the past ten years after a conditional offer of employment has been made. Haw. Rev. Stat. § 378-2.5. Public entities are prohibited from using certain criminal records when making employment and licensure decisions including: arrests not leading to conviction; annulled or expunged convictions (although Hawaii no longer permits expungement of convictions); convictions for offenses for which no jail time may be imposed; and misdemeanor convictions that are over twenty years old with no subsequent arrest or conviction. These protections do not apply to employment at youth or adult correctional facilities, detention or shelter facility, or licensed social service facilities. Haw. Rev. Stat. § 831-3.1.

4. Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

Yes. Private employers are only permitted to inquire about rationally-related criminal convictions occurring within the past ten years after a conditional offer of employment has been made. Haw. Rev. Stat. § 378-2.5.

5. Does the State restrict people with criminal records from employment in the field of home health care?

No.

6. After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Restoration of civil rights and pardons. Haw. Const. art. 5, § 5. Civil rights are restored automatically upon completion of the sentence. Haw. Rev. Stat. § 831-5. The Governor grants pardons upon the recommendation of the Hawaii State Paroling Authority. Approximately 25 pardons are granted per year, which constitutes a substantial percentage of the total applications received. A pardon will State that the individual has been rehabilitated but will not automatically lift occupational bars.

PUBLIC ASSISTANCE AND FOOD STAMPS

1. Are people with drug-felony convictions dated after 1996 eligible to receive TANF benefits and food stamps?

Yes, Hawaii modified the drug felon ban. An individual is eligible for benefits if complying with treatment or s/he has not refused or failed to comply with treatment. Haw. Rev. Stat. § 346-53.3.

PUBLIC HOUSING

1. Does the Housing Authority consider arrests that did not lead to conviction in its admission criteria?

No, the Housing and Community Development Corporation of Hawaii does not consider arrests.

2. Does the Housing Authority make individual determinations about an applicant's eligibility based upon the relevance of the criminal record?

Yes, rehabilitation is considered for drug-related crimes.

3. How long is the conviction bar(s)?

Three year bar for drug-related crimes and crimes against a person or property.

VOTING

1. Does the State grant people with criminal records the right to vote?

Individuals convicted of felony offenses may vote upon completion of the sentence or while on probation and parole. Individuals incarcerated for a felony may not vote. Haw. Rev. Stat. § 831-2(a).



Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

Excerpt from [After Prison: Roadblocks to Reentry](#). This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

Common Legal Barriers



IDAHO

ACCESS TO CRIMINAL RECORDS

1. Is there a time limit after which criminal history information is not reported to non-law enforcement entities for employment purposes?

Arrests with no disposition after one year may only be disseminated to criminal justice agencies, the subject of the record, and others with the subject's written authorization. Idaho Code § 67-3008(2)(b)(iv).

2. Other than the subject and criminal justice agencies, who can obtain records?

Any person or public or private agency upon written application specifying an individual and date of birth. Fingerprints may be required. Idaho Code §§ 67-3008(2)(b)(i) and (ii).

3. What types of records can be disclosed to non-criminal justice agencies?

Generally, arrests that resulted in a disposition within one year and convictions. Idaho Code § 67-3001(4).

4. Are there penalties for violating limitations on dissemination?

Yes, criminal penalties exist. Idaho Code § 67-3009.

5. Are State criminal records available on the internet?

No.

6. Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Upon written request to the Idaho State police, fingerprints and criminal history record are expunged for arrests not leading to indictment within one year of arrest or arrests not leading to conviction. Idaho Code § 67-3004(10).

7. If so, what is the effect of having an arrest sealed?

The statute does not address the effect of expungement.

8. Can criminal conviction records be sealed (including expunged, erased, or purged)?

Adult criminal convictions may not be sealed.

Persons adjudicated as a juvenile may petition for expungement of record five years from the termination of court's jurisdiction or, if committed to a juvenile corrections center, five years after release or at age eighteen (whichever is later). A juvenile's conviction for specific violent, sexual or drug trafficking and manufacturing crimes cannot be expunged. Idaho Code § 20-525A.

9. If so, what is the effect of having a conviction sealed?

Upon entry of expungement order for a juvenile offense, the case is deemed to have never occurred. Idaho Code § 20-525A(3).

ADOPTIVE AND FOSTER PARENTING

1. Does the State consider other criminal history records beyond the Federal list of convictions barring people from becoming foster and/or adoptive parents?

Yes, for both foster and adoptive parents. Applicants must be barred if convicted of other violent or sexual offenses. Certain convictions involving theft and fraud will also exclude applicants for seven years. Idaho Admin. Code § 16.05.06.015.

2. Does the State restrict people from becoming foster and/or adoptive parents for longer than required by Federal law?

Yes, the statute is silent on the length of the bars for violent and sexual offenses for both foster care and adoption so they operate as lifetime bars unless the Department of Health and Welfare exercises its discretion. The bar for drug-related felony convictions also goes further than the Federal law because the State law bar excludes people for seven years whereas the Federal law excludes people for five years. Idaho Admin. Code § 16.05.06.015.

3. May applicants be barred by the convictions of other household members?

Yes, for foster care. Applicants may be barred if other adult household members age 18 years or older have any of the convictions that would disqualify the applicant if s/he were the one convicted. No, for adoption. Idaho Admin. Code § 16.05.06.015.

4. Does the State make individual determinations about an applicant's eligibility based on the criminal record?

No, for both foster care and adoption, for the specified violent, sexual, drug-related, theft and fraud convictions. For other crimes, however, the Department may grant exemptions for other crimes after considering the following factors: the severity or nature of the crime; time elapsed since the incident; number of incident(s); surrounding circumstances of the incident; relationship of the incident child or adult care; evidence of rehabilitation; receipt of a pardon; and falsification or omission of information on forms submitted to the Department. Idaho Admin. Code § 16.05.06.033.

DRIVERS' LICENSE PRIVILEGES

1. Does the State revoke or suspend the drivers' licenses of people convicted of drug-related offenses?

The State passed a resolution November 1, 2000 in opposition to enacting a law called for by the Federal statute in order to receive certain Federal highway funds. However, the State does revoke drivers' licenses for drug-related offenses. Idaho Code § 18-8005.

2. If so, what crime(s) result in suspension or revocation?

Driving under the influence of alcohol, drugs, or any other intoxicating substances, or any combination of alcohol, drugs and/or any other intoxicating substances. Idaho Code § 18-8004(1)(a) as amended by 2002 Idaho Sess. Laws ch. 253, S.B. No. 1421.

3. If so, what is the length of the suspension or revocation?

Thirty days to five years, depending upon the status of the offender, i.e., number of convictions. Idaho Code § 18-8005.

4. Does the State offer restricted drivers' licenses for purposes of employment, education, and/or medical care?

First offenders may be granted restricted driving privileges for purposes of employment or family health needs after 30 days of absolute suspension have elapsed. Idaho Code § 18-8005(1)(d).

EMPLOYMENT

1. Can employers ask job applicants about arrests not leading to conviction?

Yes.

2. Can employers consider arrests not leading to conviction?

Yes.

3. Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

4. Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

5. Does the State restrict people with criminal records from employment in the field of home health care?

No.

6. After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Only pardons. Idaho Code § 20-240. A pardon does not automatically lift occupational bars.

PUBLIC ASSISTANCE AND FOOD STAMPS

1. Are people with drug-felony convictions dated after 1996 eligible to receive TANF benefits and food stamps?

Yes, Idaho has opted out of the Federal drug felon ban. An individual who has been convicted of a felony involving a controlled substance is eligible for benefits if s/he complies with the terms of a withheld judgment, probation or parole. Idaho Code § 56-202(g).

PUBLIC HOUSING

1. Does the Housing Authority consider arrests that did not lead to conviction in its admission criteria?

Yes, the Boise Public Housing Authority (PHA) considers arrests.

2. Does the Housing Authority make individual determinations about an applicant's eligibility based upon the relevance of the criminal record?

Yes.

3. How long is the conviction bar(s)?

Although there are no explicit bars, the PHA considers time elapsed in deciding whether to deny admission.



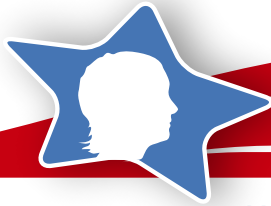
VOTING

1. Does the State grant people with criminal records the right to vote?

Individuals convicted of felony offenses may vote upon restoration of civil rights. Civil rights are restored automatically upon completion of the sentence. Incarcerated individuals and those on probation and parole may not vote. Idaho Code §§ 18-310(1) and (2).

Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

Excerpt from *After Prison: Roadblocks to Reentry*. This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

Common Legal Barriers



NEVADA

ACCESS TO CRIMINAL RECORDS

1. Is there a time limit after which criminal history information is not reported to non-law enforcement entities for employment purposes?

No. Nev. Rev. Stat. § 179A.100.

2. Other than the subject and criminal justice agencies, who can obtain records?

Subject's attorney of record, State gaming control board, State board of nursing, private investigator's licensing board, public administrators, public guardians, public utilities, statutorily authorized persons and agencies, reporters, child welfare agencies, department of human resources-welfare division, State or Federal agency conducting activities pursuant to TANF, division of emergency management-State disaster identification team, and the commissioner of insurance. Nev. Rev. Stat. § 179A.100(5).

3. What types of records can be disclosed to non-criminal justice agencies?

Conviction records and those which indicate current involvement with the criminal justice system, including parole or probation. Nev. Rev. Stat. §§ 179A.100(1).

4. Are there penalties for violating limitations on dissemination?

Yes, any person who willfully requests, obtains, or seeks to obtain; willfully communicates or seeks to communicate; or willfully falsifies any record of criminal history in violation of the law is guilty of a misdemeanor. Nev. Rev. Stat. § 179A.900.

5. Are State criminal records available on the internet?

No, only the records of currently incarcerated are available. See: <http://www.ndoc.state.nv.us/ncis/lookup.php?btnReset=TRUE>

6. Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Yes, arrests resulting in dismissal or acquittal may be sealed, provided there is no evidence that further action will be brought against the individual. Nev. Rev. Stat. § 179.255.

Individuals who have been acquitted, had their charges dismissed, or have had favorable dispositions may also apply to the central repository to remove the record from the files generally searched for criminal history inquiries. The record will be removed unless the individual is a fugitive, the case is under active prosecution, the case's disposition was a deferred prosecution, plea bargain, or other similar disposition, the individual has a prior gross misdemeanor or felony conviction, or the individual has been arrested or charged with another crime (other than minor traffic violations) since the arrest s/he seeks to have removed. Nev. Rev. Stat. § 179A.160.

7. If so, what is the effect of having an arrest sealed?

The proceedings are deemed never to have occurred, individual may answer that s/he has never been arrested, and the individual's civil rights are restored. Nev. Rev. Stat. § 179.285.

8. Can criminal conviction records be sealed (including expunged, erased, or purged)?

Certain convictions for possession of a controlled substance not for purpose of sale may be sealed after 3 years if the individual fulfills the terms and conditions of probation and/or parole and the court is satisfied that s/he is rehabilitated. Nev. Rev. Stat. § 453.3365.

Except for a crime against a child or a sexual offense, an eligible person may have his or her conviction record sealed following successful completion of reentry program. To be eligible, a person may have been convicted of a single, non-violent felony. Nev. Rev. Stat. § 179.259. Except for convictions of a crime against a child or sexual offense, convictions may be sealed once a specified period of time has passed since release from custody or discharge from parole or probation (whichever is later), so long as the individual has not been convicted during the prescribed period (except for minor moving or traffic violations) and s/he has no charges pending against him or her: 15 years for an A or B felony; 12 years for a C or D felony; 10 years for an E felony; 7 years for a gross misdemeanor, misdemeanor DUI, or domestic violence battery misdemeanor; 3 years for other misdemeanors. Nev. Rev. Stat. § 179.245. In addition, most juvenile records may be sealed 3 years after the child is declared a ward of the court, or 3 years after the child is referred to the juvenile court if the child is not declared a ward of the court, provided that during the prescribed period s/he has not been convicted of a misdemeanor of moral turpitude or felony and the court finds sufficient evidence of rehabilitation. Most juvenile records must be automatically sealed when the child turns 21. However, delinquencies for sexual assault, battery with intent to commit sexual assault, lewdness with a child, an act involving the use or threatened use of force or violence may be sealed after the child reaches 30 years of age provided the child has not been convicted of any offense (except for minor moving or traffic violations) since the age of 21. Nev. Rev. Stat. § 62.370. Juvenile records relating to a child cannot be sealed while the child is subject to community notification as a juvenile sex offender or if the child is deemed an adult sex offender or is convicted of a sexual offense before reaching 21 years of age. Nev. Rev. Stat. § 62.600.

9. If so, what is the effect of having a conviction sealed?

The individual may state that s/he has never been convicted and the person's civil rights are restored. Nev. Rev. Stat. §§ 179.285 and 62.370.

ADOPTIVE AND FOSTER PARENTING

1. Does the State consider other criminal history records beyond the Federal list of convictions barring people from becoming foster and/or adoptive parents?

Yes, for foster care. Without the administrator's approval, applicants will be barred based upon a felony or gross misdemeanor conviction or one or more misdemeanor convictions. Nev. Admin. Code § 424.195(3). Yes, for adoption. Without the division's approval, applicants will be barred based upon one or more felony or gross misdemeanor convictions. Nev. Admin. Code § 127.240(3).

2. Does the State restrict people from becoming foster and/or adoptive parents for longer than required by Federal law?

Yes, for both foster care and adoption. The statutes are silent on the length of the bars so they operate as lifetime bars unless the administrator or division exercises its discretion. Nev. Admin. Code §§ 127.240(3) and 424.195(3).

3. May applicants be barred by the convictions of other household members?

Yes, for foster care. Nev. Admin. Code § 424.195(1). No, for adoption. Nev. Admin. Code § 127.240.



4. Does the State make individual determinations about an applicant's eligibility based on the criminal record?

Yes, for foster care. The administrator may approve a license for an applicant barred by State or Federal law if the administrator determines that such approval or continuation of custody is in the best interests of the child. Nev. Admin. Code § 424.195(3). Yes, for adoption. The division may approve an adoption despite an individual's criminal history, so long as s/he is not barred by Federal law. Nev. Admin. Code § 127.240(3).

DRIVERS' LICENSE PRIVILEGES

1. Does the State revoke or suspend the drivers' licenses of people convicted of drug-related offenses?

Nevada passed a resolution as of 11/8/2000 in opposition to enacting a law called for by the Federal statute in order to receive certain Federal highway funds. However, the State does revoke motor vehicle registration for drug-related offenses. Nev. Rev. Stat. § 484.37975.

2. If so, what crime(s) result in suspension or revocation?

Driving under the influence of intoxicating liquor or a prohibited or controlled substance and driving under the influence of intoxicating liquor or a prohibited or controlled substance with death or substantial bodily injury. Nev. Rev. Stat. § 484.37975(1).

3. If so, what is the length of the suspension or revocation?

Five days. Nev. Rev. Stat. § 484.37975(1).

4. Does the State offer restricted drivers' licenses for purposes of employment, education, and/or medical care?

Yes, the court will grant limited exceptions for purposes of employment, medical care, education, and alternative transportation for a family member whose registration is suspended. Nev. Rev. Stat. § 484.37975(3).

EMPLOYMENT

1. Can employers ask job applicants about arrests not leading to conviction?

Yes.

2. Can employers consider arrests not leading to conviction?

Yes.

3. Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

No.

4. Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

5. Does the State restrict people with criminal records from employment in the field of home health care?

Within 10 days of hiring, an applicant for home health care employment must submit written statements and oral and written confirmations regarding whether s/he has ever been convicted of a crime, as well as two sets of fingerprints for a criminal background check. Nev. Rev. Stat. § 449.179. Applicants will be barred by convictions that occurred at anytime for offenses involving abuse and neglect and certain violent and sexual offenses. In addition, applicants will also be excluded based upon convictions that occurred within the last 7 years for specific drug-, theft-, and weapons-related offenses. Nev. Rev. Stat. §§ 449.185 and 449.188.

6. After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

An individual may apply for restoration of his civil rights once he has served his sentence and been released from prison. Nev. Rev. Stat. § 213.157. In addition, an individual may apply for restoration of civil rights six months after being granted an honorable discharge from probation or parole. Nev. Rev. Stat. §§ 213.157 and 176A.860. A person who has been honorably discharged from probation and had his civil rights restored may vote, hold office, serve as a juror and deny the existence of the conviction to most employers. Nev. Rev. Stat. § 176A.850. In addition, an individual may apply for a pardon which may or may not include restoration of civil rights. Nev. Rev. Stat. § 213.090. A pardon does not lift occupational bars. Op. Att’y Gen. 83-13, Sept. 14, 1983. Approximately ten to twenty persons receive pardons each year in Nevada.

PUBLIC ASSISTANCE AND FOOD STAMPS

1. Are people with drug-felony convictions dated after 1996 eligible to receive TANF benefits and food stamps?

Yes, Nevada has modified the Federal drug felon ban. Individuals with felony drug possession, use or distribution convictions may be eligible for benefits if (1) the person is currently participating in or has successfully completed treatment and demonstrates to welfare authorities’ satisfaction that he has not possessed, used or distributed drugs since beginning the treatment program, or (2) is pregnant and a physician certifies that the mother’s and unborn child’s health and safety are dependent on the receipt of benefits. Nev. Rev. Stat. § 422.29316.

PUBLIC HOUSING

1. Does the Housing Authority consider arrests that did not lead to conviction in its admission criteria?

Yes, the Housing Authority of Las Vegas will consider arrests not leading to conviction that demonstrate a pattern.

2. Does the Housing Authority make individual determinations about an applicant’s eligibility based upon the relevance of the criminal record?

Yes.

3. How long is the conviction bar(s)?

Length of bar is based upon severity of offense, e.g., 5 years for felony convictions. Because rehabilitation is considered to lift most bars, the lengths vary.

VOTING

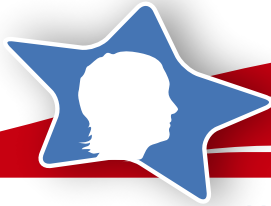


1. Does the State grant people with criminal records the right to vote?

Yes, persons with a criminal record may vote after their civil rights are restored. Nev. Const. art. 2, § 1. An individual may apply for restoration of his civil rights once he has served his sentence and been released from prison, or six months after being granted an honorable discharge from probation or parole. Nev. Rev. Stat. §§ 213.157 and 176A.860.

Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

Excerpt from [After Prison: Roadblocks to Reentry](#). This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.



[Table of Contents](#)
[Introduction](#)

[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources

[Glossary](#)
[Appendices](#)

Common Legal Barriers



OREGON

ACCESS TO CRIMINAL RECORDS

1. Is there a time limit after which criminal history information is not reported to non-law enforcement entities for employment purposes?

No, except that arrests more than one year old with no record of acquittal or dismissal may not be disseminated to the public. Or. Rev. Stat. § 181.560 (1)(b).

2. Other than the subject and criminal justice agencies, who can obtain records?

With notice to the subject, any person or agency. Or. Rev. Stat. § 181.560 (1).

3. What types of records can be disclosed to non-criminal justice agencies?

Arrests less than one year old with no record of acquittal or dismissal and convictions. Or. Rev. Stat. § 181.560 (1)(b).

4. Are there penalties for violating limitations on dissemination?

Yes, administrative. Or. Admin. R. § 257-010-0045 (1).

5. Are State criminal records available on the internet?

No.

6. Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Acquittals, dismissals, and many arrests that did not lead to conviction (except for traffic offenses) may be set aside after one year, unless the individual has currently pending criminal proceedings, an arrest for an unrelated charge within the preceding 3 years, or a conviction within the preceding 10 years (except for motor vehicle offenses). Or. Rev. Stat. §§ 137.225 (1)(b), (6), and (7).

7. If so, what is the effect of having an arrest sealed?

If set aside, the individual may deny the existence of the arrest. Or. Rev. Stat. § 137.225 (3).

8. Can criminal conviction records be sealed (including expunged, erased, or purged)?

Except for certain violent, sexual, and traffic offenses, many adult convictions may be set aside after 3 years have elapsed following completion of the sentence, including class C felonies, felony marijuana possession, crimes punishable as misdemeanors or felonies (at the judge's discretion), misdemeanors for which imprisonment may be imposed, and violations. To be eligible, individuals may not have currently pending criminal proceedings or other convictions within the preceding 10 years (except for motor vehicle offenses). Or. Rev. Stat. §§ 137.225 (1)(a) and (6).

Juvenile records may be expunged if 5 years have elapsed since termination of the court's jurisdiction, no criminal or juvenile proceedings are currently pending, the individual has not subsequently been convicted of a felony or class A misdemeanor, and the individual is not currently under investigation by the juvenile department. If the individual has reached 18 years of age, the court shall order expungement if these criteria are met or if s/he was never found within the juvenile court's jurisdiction. Juvenile records may also be expunged at any time if the court finds expungement in the best interest of the individual and the public. Or. Rev. Stat. §§ 419A.262(2), (4), and (7).

9. If so, what is the effect of having a conviction sealed?

If an adult conviction is set aside, the individual may deny the existence of the conviction. Or. Rev. Stat. § 137.225 (3).

If a juvenile record is expunged, the individual may deny existence of the record. Public employers and occupational licensing authorities may not ask about or discriminate based upon expunged juvenile records. Or. Rev. Stat. §§ 419A.262(20) and 670.290.

ADOPTIVE AND FOSTER PARENTING

1. Does the State consider other criminal history records beyond the Federal list of convictions barring people from becoming foster and/or adoptive parents?

Yes, applicants for foster or adoptive parenthood must be barred by convictions for other violent, sexual, and weapons-related offenses unless the prospective foster or adoptive home was certified or approved before November 19, 1997 and the Administrator has determined that denial would result in disruption of placement or that safety concerns have been adequately addressed. Applicants must also be excluded based upon any felony or misdemeanor conviction unless an exception is granted. A history of violent, sexual, and drug-related arrests may also bar an applicant. Or. Admin. R. §§ 413-120-0450(2)-(4), (5), and (9).

2. Does the State restrict people from becoming foster and/or adoptive parents for longer than required by Federal law?

Yes, the statute is silent on the length of the bars for both foster care and adoption so they operate as lifetime bars unless the Department implements its discretion. Or. Admin. R. § 413-120-0450(2).

3. May applicants be barred by the convictions of other household members?

Applicants may be barred if other household members have any of the arrest or convictions that would disqualify the applicant if s/he were the one arrested or convicted. Or. Admin. R. §§ 413-120-0450(1) and (9).



4. Does the State make individual determinations about an applicant's eligibility based on the criminal record?

Yes, for both foster care and adoption. The Department of Human Services will consider the following factors in determining whether to grant an exception for a conviction or in assessing the suitability of an applicant based upon a history of arrests: severity and nature of the crime; number of criminal offenses; time elapsed since the offense; surrounding circumstances of the crime; whether the individual was charged or indicted; evidence of rehabilitation; and corroborating evidence of the applicant's explanation of the crime. Or. Admin. R. §§ 413-120-0450(6) and (9).

DRIVERS' LICENSE PRIVILEGES

1. Does the State revoke or suspend the drivers' licenses of people convicted of drug-related offenses?

Oregon passed a resolution on 12/22/2000 in opposition to enacting a law called for by the Federal statute in order to receive certain Federal highway funds. However, the State does revoke drivers' licenses for drug-related offenses. Or. Rev. Stat. §§ 809.235 (b), 809.420, and 813.400.

2. If so, what crime(s) result in suspension or revocation?

Driving while under the influence of intoxicants. Or. Rev. Stat. § 813.400.

3. If so, what is the length of the suspension or revocation?

Ninety days to life, depending upon the status of the offender, i.e., the number of times s/he has been convicted. Or. Rev. Stat. §§ 809.235 (b) and 809.420.

4. Does the State offer restricted drivers' licenses for purposes of employment, education, and/or medical care?

Following a substance abuse assessment, hardship driving permits may be available for employment, medical or alcohol treatment or rehabilitation if the individual participates in a required alcohol or drug information or treatment program. Or. Rev. Stat. § 813.500.

EMPLOYMENT

1. Can employers ask job applicants about arrests not leading to conviction?

Yes.

2. Can employers consider arrests not leading to conviction?

Yes.

3. Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Yes, for occupational licensing authorities. A license may not be denied, suspended, or revoked based solely upon a conviction. In determining the fitness of the individual, the facts surrounding the conviction and "intervening circumstances" must be considered. Or. Rev. Stat. § 670.280. There are no standards for public employers.

4. Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

5. Does the State restrict people with criminal records from employment in the field of home health care?

No.

6. After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

No, only pardons. Or. Rev. Stat. § 144.649. A pardon does not serve as evidence of rehabilitation or lift occupational bars.

PUBLIC ASSISTANCE AND FOOD STAMPS

1. Are people with drug-felony convictions dated after 1996 eligible to receive TANF benefits and food stamps?

Yes, Oregon has opted out of the Federal drug felon ban. Or. Rev. Stat. § 411.119.

PUBLIC HOUSING

1. Does the Housing Authority consider arrests that did not lead to conviction in its admission criteria?

Yes, the Portland Public Housing Authority will consider arrests not leading to conviction.

2. Does the Housing Authority make individual determinations about an applicant's eligibility based upon the relevance of the criminal record?

Yes.

3. How long is the conviction bar(s)?

People evicted for drug-related criminal activity on public housing authority property are subject to a three-year bar.

VOTING

1. Does the State grant people with criminal records the right to vote?

Individuals incarcerated following felony convictions may not vote. Individuals who have completed the sentence and those on probation or parole may vote. Or. Rev. Stat. §§ 137.281(1) and (3)(d).



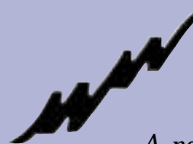
Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

Excerpt from [After Prison: Roadblocks to Reentry](#). This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.

Smart Solutions:

INDIVIDUALS WITH CRIMINAL HISTORIES:

A POTENTIAL UNTAPPED RESOURCE

 **The Welfare to Work**
PARTNERSHIP
*A not-for-profit corporation organized under
the laws of the District of Columbia*

**LEGAL
ACTION
CENTER**



URBAN INSTITUTE
Justice Policy Center

All across the country, stories are told about how former welfare recipients have surpassed initial expectations and are excelling as able, motivated workers. These new employees are posting the same or higher retention rates as other employees and are moving from lives of dependence to independence. Now there is a new group of workers who also merit your serious consideration as viable employees: individuals with criminal histories, or ex-offenders.

About 25 percent of the nation's adult population have a criminal record on file with state or federal governments. It may surprise you however, that most ex-offenders have convictions for nonviolent crimes, like drug offenses. In fact, 71 percent of state prisoners were convicted of nonviolent offenses.

The challenge is to take advantage of the opportunities that hiring qualified ex-offenders provides. Three fourths of ex-offenders were working at least part time before being incarcerated and many acquired new training skills while in prison. Many ex-offenders, particularly those referred by service providers and supervision agencies that specialize in vocational training and employment placements for ex-offenders, offer the skills and motivation to contribute to your business' success.

The information contained in this guide is designed to answer frequently asked questions to help you make smart hiring decisions when it comes to employing people with conviction records.

Advantages to hiring an ex-offender

Hiring individuals with criminal records provides your business with incentives that you should be aware of, including:

- ◆ **Financial Incentives:** Work Opportunity Tax and Welfare to Work Tax Credits are available to private employers to hire targeted groups of workers, including ex-offenders and long-term welfare

recipients. The maximum credit available is \$2,400 per new worker for the Work Opportunity Tax Credit. Under the Welfare to Work Tax Credit, an employer can claim up to 35 percent of an employer's first year wages. In addition, you may be eligible to receive Workforce Investment Act (WIA) assistance, including on-the-job training and welfare to work wage subsidies, if you are willing to train and provide work experience to ex-offenders. (see resource section)

- ◆ **Support from Service Providers and Supervision Agencies:** Ex-offender employment agencies help businesses hire with confidence by acting as intermediaries between the employer and the job applicant. While these programs (and other public-or private-sector social service organizations that typically train and support people moving into the workforce) vary in the package of services they offer, they typically provide job readiness and orientation, job assessment and development, pre-employment education and/or training, and post-placement services.

These organizations provide no-cost human resources assistance to businesses, evaluating the skills, work history and reliability of potential employees, as well as information related to an applicant's criminal past. After a placement is made, many employment agencies provide continuing support to both the ex-offender and the employer and will intervene if problems arise.

Parole officers may also serve as an external monitor/support system for ex-offenders. By supervising individuals and monitoring their conditions of release (i.e. working, staying off drugs, etc.) parole officers can act as another resource for employers.

Working with a service provider or supervision agency can definitely increase your chances of

finding and retaining new employees who are not just eager for a chance to work, but are already prepared for the particular demands of your workplace. Another good way to find service providers in your area is through The Welfare to Work Partnership's Solutions Network, a searchable online database of welfare to work resources located on The Partnership's Web site at www.welfare-to-work.org.

- ◆ **Trained, Motivated Workers:** Businesses across the country have been pleased with the performance of welfare recipients in general. Eight out of ten (80 percent) executives who have hired former welfare recipients found that their new hires are "good, productive employees." employment agencies and other service providers that work with ex-offenders can increase the odds of success by providing education and training so their clients have the tools to succeed.

Other businesses are hiring ex-offenders

In a fact that may surprise you, a large majority of businesses active in welfare to work hiring are willing to consider employing appropriate candidates with criminal records.

- ◆ In a survey of 600 employers who are members of The Partnership, 82 percent said they would consider hiring a former welfare recipient who had been convicted of a misdemeanor offense.

Moreover, the circumstances make a difference, too. For example:

- ◆ Two thirds of these businesses are more likely to hire an ex-offender who was convicted more than five years ago and has avoided any further trouble with the law;
- ◆ More than half of these employers would be more likely to hire an ex-offender if a social service agency stayed involved with the employee post-

placement; and

- ◆ 53 percent would be more inclined to do so if the government could insure them against any financial loss or legal liability. (Read more below about such programs available to you.)

The laws of hiring ex-offenders:

In most cases, it is legal for you to hire an ex-offender. While there are some jobs that individuals who have certain kinds of criminal histories cannot hold because of the nature of their conviction and the specific type of job, most occupations are open to qualified ex-offenders.

In addition, several states and the federal government (through the Equal Employment Opportunity Commission) limit how and under what circumstances private employers and government agencies may consider an applicant's criminal record. These laws often forbid employers from asking about and considering arrests that did not lead to conviction and from having flat bans against hiring people with conviction records; rather, they require employers to make individual determinations about job applicants. Factors that are generally considered include the relationship between the job being sought and the individual's conviction(s), time that has elapsed since the offense, and the seriousness of the offense (*i.e.* whether the crime is a misdemeanor or a felony, as well as the specific nature of the offense). For instance, if a job applicant who had a prior conviction for drug possession applied for a position as a food service worker, you should probably not deny him employment based solely on his criminal record.

To learn more about the federal laws and to determine the standards your state has governing the employment of people with criminal records, including what kinds of questions you can ask job applicants on employment applications and whether there are restrictions on hiring people with criminal records in certain jobs, you should contact the Legal Action Center or your state's Attorney General.

Ex-offenders and employer liability:

Many employers are resistant to hire ex-offenders because they worry that if they hire an individual with a criminal history who later commits a new crime, they will be liable. In most cases, an employer will not face liability if he or she hires an ex-offender. While each state may have their own standards, liability is usually based on whether the employer could have foreseen the crime. An employee's reasonable efforts to check and evaluate a potential employee's background will suit the legal requirements and reduce the risk of liability on the employer's part. However, check your state's standards for negligent hiring.

The Federal Bonding Program, sponsored by the Department of Labor, is a successful tool for protecting employers and addressing their concerns. The Federal Bonding Program provides bonding insurance to employers willing to hire certain high-risk job applicants who may otherwise be denied coverage from commercial bond carriers. These applicants include: ex-offenders, welfare recipients, youth, and those with poor job histories. The bonds protect employers against theft, forgery, larceny, and embezzlement.

To qualify for bonding insurance, the job must be a minimum of 30 hours per week and must have the expectation of lasting six months or more. The worker must meet the state's legal age for working; however, there are no other age limits. Workers must be paid wages with federal taxes automatically deducted from their pay. If eligible, the employer will receive a \$5,000 bond to cover a six-month period of time. Employers interested in securing bond insurance for employees with past convictions should call their State Department of Labor (see resource section) or see the Fidelity Bonding online at www.bonds4jobs.com.

Recruiting qualified ex-offenders

Ex-offender employment agencies and welfare-to-work service providers can screen clients and ensure the needs

of employers are matched with potential applicants. The services provided by these agencies differ based on location. Examples of these agencies are the Center for Employment Opportunities in New York City and the Safer Foundation in Chicago. (see description)

The National Institute of Correction's work to assist correctional agencies in promoting offender job training, placement, and retention is coordinated by the Office of Correctional Job Training and Placement (OCJTP). OCJTP was created by the Violent Crime Control and Law Enforcement Act of 1994 for the purpose of coordinating efforts of federal agencies and others nationwide to improve job training and placement programs for offenders and ex-offenders. Although OCJTP does not work directly with ex-offenders, its programs can train an employer's human resources department on how to support ex-offenders.

Another way for businesses to provide opportunities to individuals with a criminal history is to ensure that hiring policies and practices do not indiscriminately screen-out qualified applicants. Making reasonable efforts to investigate an applicant's history will shield an employer from liability. Therefore, you may want to make sure:

- ◆ Your human resource manager understands the difference between an arrest that did not lead to a conviction and an actual conviction.
- ◆ You do not consider a conviction as the sole reason to deny an applicant a job; an ex-offender should be treated like any other applicant, unless his or her conviction is directly job-related or indicates that the applicant might pose a threat to people or property.
- ◆ You give full consideration to evidence of rehabilitation, including education, volunteer experience, prior employment, references from previous employers, community leaders and others, as well as certificates of rehabilitation granted by the state.

Success Stories...

Embassy Suites

Embassy Suites is a firm believer in second chances. Embassy Suites has hired several ex-offenders from different programs, and was encouraged to hire individuals with criminal records because of the support systems in place. The company felt secure because they were not just "out there" hiring, Embassy Suites had the extra help and support they needed.

Ann Sermons was hired in October 1999 as a suite keeper at Embassy Suites after serving 14 months in jail for delivering drugs. Ann knew she had to change her life, that the life she was living was not a positive one. Ann had to be a positive role model for her three children, ages 14, 13, and 8, who currently live with her mother. After two and a half years on the job, Ann enjoys coming to work and making the guests happy, and currently lives in her own apartment, just down the street from her job at Embassy Suites.

Petroleum Engineering Council (PEC)

The Welfare to Work Partnership/BizLink brokered with service providers Tulane/Xavier University and Goodwill to prepare 25 noncustodial fathers, many ex-offenders, for training at Petroleum Engineering Council (PEC) facilities in Hammond, Morgan City, St. Rose and Venice, LA. These jobs have starting salaries from \$7 to \$15 an hour. A normal workweek usually runs around 84 hours while the offshore rigs are at-sea drilling for oil and natural gas. BizLink, Tulane/Xavier and Goodwill screened the participants, while BizLink and Tulane/Xavier partnered to purchase tools and uniforms. PEC also covered costs for training to work on oil and natural gas rigs, which normally runs \$2,400 per person, accommodations and food for the participants. Participants received a PEC identification card with a list of programs they completed to help on interviews, which began towards the end of training.

The eight days of extensive, hands-on training provides the skills for successful employment on offshore rigs in the Gulf of Mexico, including a basic orientation about life on an oil rig, core compliance information, including fire prevention, hearing conservation, welding and forklift safety, off-shore water survival, first aid and basic rigging techniques.

The Center for Employment Opportunities

The Center for Employment Opportunities (CEO) in New York City is one of the many programs that help ex-offenders prepare for, find, and keep jobs. CEO's program is a two-step process for participants. The Neighborhood Watch Program (NWP) offers immediate short-term employment through day labor programs. Participants provide general building maintenance, ground keeping services through out New York, and at the same time, build work skills on the job like getting to work on time. NWP participants are also involved in the Vocational Development Program (VDP). Upon arriving at CEO, individuals attend a week long life skills and pre-employment workshop. Participants learn how to create a resume, basic interview skills, and how to discuss their conviction with potential employers. On the last day of the workshop, participants work with an individual employment counselor to develop an employment plan and evaluate their vocational skills and interests. While enrolled in NWP, participants work for four days and meet with their counselor once a week. CEO has placed participants in more than 300 companies and maintains a 65 percent placement rate.

FOR MORE INFORMATION TO GUIDE YOU THROUGH THE PROCESS OF HIRING INDIVIDUALS WITH CRIMINAL HISTORIES, CONSIDER CONTACTING:

The Legal Action Center

(212) 243-1313

www.lac.org

The Urban Institute

(202) 833-7200

www.urban.org

The US Department of Labor

(866) 4-USA-DOL

www.dol.gov

The Federal Bonding Program

(800) 233-2258

www.bonds4jobs.com

The Welfare to Work Partnership

(888) USA-JOB1

www.welfaretowork.org

The BizLink Network is a Partnership effort in five cities - Chicago, Los Angeles, Miami, New Orleans and New York - to help businesses hire, retain and promote good productive employees. For more information:

Chicago

(312) 245-9675

Los Angeles

(213) 251-1441

Miami

(305) 576-3422

New Orleans

(504) 588-9168

New York

(212) 414-4870

THE LEGAL ACTION CENTER

The Legal Action Center is the only nonprofit law and policy organization in the United States whose sole mission is to fight discrimination against people with histories of alcohol and drug dependence, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas.

The center's newest initiative is the National H.I.R.E. Network, which serves as a national clearinghouse for information and provides leadership on key public policy initiatives related to the employment of people with criminal records.

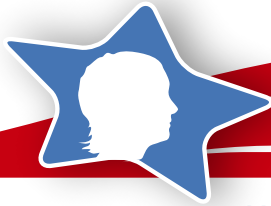
THE URBAN INSTITUTE

The Urban Institute is a nonprofit policy research organization established in Washington, D.C., in 1968. The institute's goals are to sharpen thinking about society's problems and efforts to solve them, improve government decisions and their implementation, and increase citizens' awareness about important public choices.

The Justice Policy Center (JPC) carries out nonpartisan research to inform the national dialogue on crime, justice, and community safety. JPC researchers collaborate with practitioners, public officials and community groups to make the center's research useful not only to decisionmakers and agencies in the justice system, but also to the neighborhoods and communities harmed by crime and disorder.

THE WELFARE TO WORK PARTNERSHIP

The Welfare to Work Partnership is a national, nonpartisan, nonprofit organization created by the American business community to encourage companies to hire and retain former welfare recipients. The Partnership was started in 1997 with five founding companies—Burger King, Monsanto, Sprint, United Airlines and United Parcel Service—and has grown to include more than 20,000 companies that have hired an estimated 1.1 million people from welfare to work.

[Table of Contents](#)
[Introduction](#)[Chapter One:](#) Overview
[Chapter Two:](#) Know the Score
[Chapter Three:](#) Career Planning
[Chapter Four:](#) Resources[Glossary](#)
[Appendices](#)

Common Legal Barriers



WASHINGTON

ACCESS TO CRIMINAL RECORDS

1. Is there a time limit after which criminal history information is not reported to non-law enforcement entities for employment purposes?

No, except that information will only be disseminated for limited purposes where the incident did not lead to a conviction or other adverse determination, more than one year has elapsed since arrest, citation, charge, or service of warrant, and no disposition has been entered. Wash. Rev. Code §§ 10.97.030(2) and 10.97.050.

2. Other than the subject and criminal justice agencies, who can obtain records?

Different entities may obtain different levels of criminal history information. The public may obtain without restriction conviction records and criminal history record information pertaining to an incident for which a person is currently being processed. Other individuals and agencies may obtain access to a broader range of records for research, evaluative, and statistical activities and other lawfully-authorized purposes. Wash. Rev. Code § 10.97.050.

3. What types of records can be disclosed to non-criminal justice agencies?

The public may obtain currently pending charges and conviction information. Other individuals and agencies seeking records for research, evaluative, and statistical activities as well as other lawfully-authorized purposes may obtain access to conviction and nonconviction data, which includes proceedings that are not currently pending. Proceedings are presumed no longer currently pending if more than one year has elapsed since arrest, citation, charge, or service of warrant and no disposition has been entered. Wash. Rev. Code § 10.97.050.

4. Are there penalties for violating limitations on dissemination?

Yes, civil remedies exist, such as actions to enjoin and for recovery of damages and attorneys' fees. In addition, violations of the dissemination provisions are punishable as a misdemeanor. Wash. Rev. Code §§ 10.97.110 and 10.97.120.

5. Are State criminal records available on the internet?

Yes, records of convictions and pending arrests less than one year old are available at: <https://watch.wsp.wa.gov/>

6. Can State criminal records of arrests not leading to conviction be sealed (including expunged, erased, or purged)?

Under most circumstances, unless the individual is a fugitive or the proceedings are actively pending, nonconviction data may be deleted two or more years after a disposition favorable to the defendant such as an acquittal or dismissal has been entered, or three years from an arrest, citation, or warrant for which a conviction was not obtained. The agency maintaining the data may refuse to delete the information if the disposition was a deferred prosecution or similar diversion, the individual has a prior felony or gross misdemeanor conviction, or has been arrested or charged with another crime during the waiting period. Wash. Rev. Code § 10.97.060.

7. If so, what is the effect of having an arrest sealed?

The law makes no reference to the effect of deletion of nonconviction information.

8. Can criminal conviction records be sealed (including expunged, erased, or purged)?

Yes. Upon completion of all the sentencing requirements, the Department of Corrections will notify the sentencing court, which will discharge the offender and provide him or her with a certificate of discharge. An offender who is not convicted of a violent or sexual offense and is sentenced to community supervision may apply for discharge upon completion of at least one-half of the term and if s/he has met all other sentencing requirements. Upon discharge, the individual may apply to the sentencing court for vacation of the conviction record. The record may not be cleared if there are any criminal charges pending in any court in any jurisdiction, the individual has been convicted of a new crime in any jurisdiction since the discharge, the offense was violent or a crime against persons, the offense was a class B felony and less than 10 years have elapsed since discharge, or the offense was a class C felony and less than five years have elapsed since discharge. Wash. Rev. Code §§ 9.94A.637 and 9.94A.640.

Juvenile records may be sealed if the court finds no pending proceedings seeking the conviction or diversion agreement of a juvenile or criminal offense, the individual has not been convicted of a class A or sex offense, full restitution has been paid, and the individual has waited the prescribed period (depending upon the type of offense) without a conviction, or in the case of a diversion, without a conviction or diversion: for class B offenses other than sex offenses, ten years since release; for class C offenses other than sex offenses, five years since release; for misdemeanors, two years since release and the individual must be at least 18 years old; for gross misdemeanors, three years since release and the individual must be at least 18 years old; and for diversions, two years since completion of diversion and the individual must be at least 18 years old. Wash. Rev. Code §§ 13.50.050(11) and (12). If two years have elapsed since the diversion agreement, an individual 18 years of age or older whose record consists of only one diversion may request that the records be destroyed. Wash. Rev. Code § 13.50.050(17)(a). If all diversion agreements have been successfully completed and there are no pending proceedings seeking criminal conviction, an individual 23 years of age or older whose record consists of only referrals for diversion may request that the records be destroyed. Wash. Rev. Code § 13.50.050(17)(b). Juvenile records may be routinely destroyed only when the individual is 23 years of age or older, or is 18 years of age or older and the record consists of only one diversion agreement and two years have elapsed since its completion. Wash. Rev. Code § 13.50.050(22)(a).

9. If so, what is the effect of having a conviction sealed?

If a conviction record is vacated, the individual may deny the existence of the record. Wash. Rev. Code § 9.94A.640(3).

Individuals may deny the existence of sealed or destroyed juvenile records. However, any subsequent adjudication for a juvenile offense or crime or charging of an adult felony will nullify the sealing order. Wash. Rev. Code §§ 13.50.050(14) and (16).



ADOPTIVE AND FOSTER PARENTING

1. Does the State consider other criminal history records beyond the Federal list of convictions barring people from becoming foster and/or adoptive parents?

No, for foster care. Federal and State criminal background checks seeking all convictions and pending charges are required for prospective foster parents. Applicants must also disclose in writing all convictions involving crimes against children or other persons, crimes involving financial exploitation if the victim was a vulnerable adult, and drug-related crimes. However, no automatic bars are created. Wash. Rev. Code §§ 43.43.834(2) and 74.15.030(2)(b).

No, for adoption. Federal and State criminal background checks seeking all convictions and pending charges are conducted as part of all preplacement investigations but no automatic bars are created. Wash. Rev. Code §§ 26.33.190(1) and (3).

2. Does the State restrict people from becoming foster and/or adoptive parents for longer than required by Federal law?

No for both foster care and adoption because no automatic bars exist. Wash. Rev. Code §§ 43.43.834(2) and 74.15.030(2)(b); Wash. Rev. Code § 26.33.190(1)-(3).

3. May applicants be barred by the convictions of other household members?

No, for foster care, although other individuals who have unsupervised access to the children in care are also required to submit to background checks. Wash. Rev. Code § 74.15.030(2)(b).

No, for adoption. Wash. Rev. Code § 26.33.190(1)-(3).

4. Does the State make individual determinations about an applicant's eligibility based on the criminal record?

Yes, for both foster care and adoption because no automatic bars exist. Wash. Rev. Code §§ 43.43.834(2) and 74.15.030(2)(b); Wash. Rev. Code § 26.33.190(1)-(3).

DRIVERS' LICENSE PRIVILEGES

1. Does the State revoke or suspend the drivers' licenses of people convicted of drug-related offenses?

Washington passed a resolution on February 7, 2001 in opposition to enacting a law called for by the Federal statute in order to receive certain Federal highway funds. However, the State does revoke drivers' licenses for drug-related offenses. Wash. Rev. Code § 46.20.285(3).

2. If so, what crime(s) result in suspension or revocation?

Driving while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle. Wash. Rev. Code § 46.20.285(3).

3. If so, what is the length of the suspension or revocation?

If the individual's alcohol concentration was less than 0.15 or if no test results exist for reasons other than the individual's refusal to take a test: for ninety days if no prior offense within seven years; for two years if one prior offense within seven years; or for three years if two or more prior offenses within seven years. If the individual's alcohol concentration was at least 0.15 or if no test results exist because the individual refused to take a test: for one year if no prior offenses within seven years; for nine hundred days if one prior offense within seven years; or for four years if two or more offenses within seven years. Wash. Rev. Code § 46.61.5055(6).

4. Does the State offer restricted drivers' licenses for purposes of employment, education, and/or medical care?

Occupational drivers' licenses may be available to individuals engaged in occupations or trades that make motor vehicle operation essential. To be eligible, the applicant may not have committed any offense requiring mandatory drivers' license revocation or suspension within the previous year or driving under the influence, vehicular assault or vehicular homicide within the previous seven years. The applicant must also pay a prescribed fee and file satisfactory proof of financial responsibility. Wash. Rev. Code § 46.20.391.

EMPLOYMENT

1. Can employers ask job applicants about arrests not leading to conviction?

Yes.

2. Can employers consider arrests not leading to conviction?

Yes, although ban on considering most non-job-related remote convictions may provide grounds for court challenge or an administrative finding to the contrary.

3. Does the State have standards prohibiting employment discrimination by public employers and occupational licensing agencies based on a conviction record?

Yes. Except for law enforcement agencies and those with unsupervised access to children and vulnerable adults, most public employers and occupational licensing agencies may not disqualify an individual solely because of a prior felony conviction. Because the conviction may be considered, however, individuals may be denied employment or a license if the conviction directly relates to the position or license sought and fewer than ten years have elapsed since the conviction. Regardless of the time elapsed, individuals may be barred from employment in the county treasurer's office based upon a felony conviction based upon embezzlement or theft. In addition, guilty pleas or convictions for felony offenses involving certain sexual offenses against children will also bar employment or licensing for many positions in education that involve unsupervised access to children, including teaching. Wash. Rev. Code §§ 9.96A.020, 9.96A.060, and 9.96A.030.

4. Does the State have standards prohibiting employment discrimination by private employers based on a conviction record?

No.

5. Does the State restrict people with criminal records from employment in the field of home health care?

Yes. Applicants for home health care employment must provide criminal history disclosure statements and also submit to criminal records checks. Applicants will be barred based upon convictions for crimes against individuals, for example, kidnaping, endangerment with a controlled substance, and indecent exposure, and for crimes involving financial exploitation, for example, extortion, theft, and forgery. However, home health care agencies are permitted to consider applicants convicted of other types of offenses after a certain period of time has elapsed since the conviction: for simple assault, assault in the fourth degree, prostitution, or theft in the third degree, after three or more years have elapsed; and for theft in the second degree or forgery, after five or more years have elapsed. Wash. Rev. Code §§ 43.43.842 and 43.43.830(5), (7); Wash. Admin. Code § 246-327-090.

6. After an individual has been convicted, does the State offer any mechanism to demonstrate that an individual has been rehabilitated?

Pardons are available from the Governor under extraordinary circumstances upon recommendation from the Clemency and Pardons Board. Wash. Const. art. 3, § 9 and Wash. Rev. Code § 9.94A.885(1). The effect of a pardon is not to obliterate an offense, but to condone it, remit any unpaid penalty, and restore the individual's civil rights. 1967 Att'y Gen. Op. No. 6.; State v. Cullen, 127 P.2d 257, 259 (Wash. Ct. App. 1942).



PUBLIC ASSISTANCE AND FOOD STAMPS

1. Are people with drug-felony convictions dated after 1996 eligible to receive TANF benefits and food stamps?

Yes, Washington has modified the ban. Individuals must have been assessed as chemically dependent and be participating in or have completed an approved program consisting of chemical dependence and vocational treatment and not have been convicted of a felony involving drug use or possession in the three years prior to the most current conviction. Wash. Rev. Code § 74.08.025(4).

PUBLIC HOUSING

1. Does the Housing Authority consider arrests that did not lead to conviction in its admission criteria?

No, the Seattle Housing Authority does not consider arrests.

2. Does the Housing Authority make individual determinations about an applicant's eligibility based upon the relevance of the criminal record?

Yes.

3. How long is the conviction bar(s)?

Only the HUD bars exist, including the 3-year bars for drug-related evictions from public housing property and drug-related or violent criminal activity that may threaten the health, safety, or right to peaceful enjoyment by other residents.

VOTING

1. Does the State grant people with criminal records the right to vote?

Individuals incarcerated following felony convictions may vote upon restoration of civil rights. An individual's civil rights are restored upon receipt of a certificate of discharge. Certificates of discharge are granted upon completion of all sentencing requirements. In addition, if an individual is not convicted of a violent or sexual offense and is sentenced to community supervision, s/he may apply for a certificate of discharge upon completion of at least one-half of the term if all other sentencing requirements have been met. Wash. Rev. Code § 9.94A.637. The Clemency and Pardons Board may also certificates of restoration for the right to vote. Wash. Rev. Code § 9.94A.885(2).



Copyright © 2004 by the [Legal Action Center](#). All Rights Reserved.

Excerpt from [After Prison: Roadblocks to Reentry](#). This information is not legal advice and is provided only for reference purposes. If legal advice is necessary, a lawyer should be consulted. Contact a legal aid group for low- or no-cost legal assistance. This information is current at time of publication, July 2004.